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Consideration of reports submitted by States parties under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights

Initial reports of States parties due in 2000

Bangladesh*, **

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** The annexes to the present report are available from the web page of the Committee.

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Introduction

1. The Government of Bangladesh ("the GoB") hereby submits this initial report under Part IV of the International Covenant on the Economic, Social and Cultural Rights, 1966 ("the ICESCR"). Bangladesh acceded to the ICESCR on 5 October 1998. The present report goes systematically through the ICESCR provisions so as to reflect the government's compliance with its legal obligations under the said Covenant.

2. This initial report has been prepared using information received from primary and secondary sources. The primary sources consist of Acts of Parliament, Presidential Order, Ordinance, Rules and the decisions of the Supreme Court. The secondary sources include the Report of the GoB submitted under the Second Cycle UPR, reports prepared by different Ministries and information available in the websites and other sources of the government.

3. In the course of preparation of this report, the GoB organized a number of consultations involving relevant Ministries, Divisions and Agencies of the Government. In addition, a national consultation was held with the participation of the National Human Rights Commission, prominent NGOs and Civil Society Organizations (list furnished in Annex-II).

ICESCR and International Legal Obligation of Bangladesh

4. While acceding to the ICESCR, the GoB made a number of declarations. On Article 1, the GoB has declared, "It is the understanding of the Government of the People's Republic of Bangladesh that the words 'the right of self-determination of Peoples' appearing in this Article apply in the historical context of colonial rule, administration, foreign domination, occupation and similar situations."

5. As regards Articles 2 and 3, the GoB made the following declaration: "The Government of the People's Republic of Bangladesh will implement Articles 2 and 3 in so far as they relate to equality between man and woman, in accordance with the relevant provisions of its Constitution and in particular, in respect to certain aspects of economic rights viz. law of inheritance."

6. As regards Articles 7 and 8, the GoB declared as follows: The Government of the People's Republic of Bangladesh will apply Articles 7 and 8 under the conditions and in conformity with the procedures established in the Constitution and the relevant legislation of Bangladesh.

7. As regards Articles 10 and 13, the GoB declared, "While the Government of the People's Republic of Bangladesh accepts the provisions embodied in Articles 10 and 13 of the Covenant in principle, it will implement the said provisions in a progressive manner, in keeping with the existing economic conditions and the development plans of the country."

Domestic Implementation of the ICESCR

8. Like other common law countries, international treaty provisions are not directly applicable in Bangladesh, rather the treaty provisions are implemented through legislation at the domestic level. The rights and obligations arising out of ICESCR are applied through multiple legislations, both primary and delegated.

9. The Constitution of Bangladesh is the supreme law of the land. While guaranteeing non-discrimination and equal protection of law for all citizens, the Constitution allows affirmative action targeting the backward and underprivileged sections of the society, such as, women, children, ethnic minorities, etc. Other principal machineries to implement Economic, Social and Cultural Rights (ESC rights) include the Parliament, the Cabinet, numerous administrative bodies and different autonomous institutions. Although the ESC rights are not justiciable, judiciary plays significant role in the adoption of policies, laws and rules towards progressive realisation of the ESCR obligations of the State.

Article 1

Self-determination of the people

10. Bangladesh is a unitary Republic. The Constitution of Bangladesh provides that all powers of the Republic belong to the people, and their exercise on behalf of the people will be effected under the authority of the Constitution.[1] The Constitution further provides that Bangladesh will be a democracy in which effective participation of the people will be ensured at all levels of administration through their elected representatives.[2]

11. In order to prevent illegal overthrow of a democratically elected government, Article 7A of the Constitution has expressly declared act of abrogation or suspension of the Constitution as sedition and made it punishable with the highest punishment provided by law.

Right to Determine Political Status

12. In Bangladesh the power of legislation has been vested in the Parliament which consists of members elected by direct election. The executive power of the State is exercised by the Cabinet which mainly comprises the elected members of the Parliament. In addition, the Constitution provides for establishment of local government institutions, e.g. *City Corporation, Pourasava, Zila Parishad, Upazila Parishad, Union Parishad* etc., composed of representatives freely elected by the citizens. Thus, the peoples' right to participation in the government is being ensured at every level of administration through their elected representatives.

13. In order to ensure greater participation of ethnic minorities of the three hill districts in the national development endeavours, the GoB, under the auspices of the Chittagong Hill Tracts Peace Accord 1997, established the CHT Regional Council, three Hill District Councils in Rangamati, Khagrachhari and Bandarban and the CHT Development Board. The Regional Council is a statutory body. The Chair and the members of the Regional Council as well as the Hill District Councils are appointed from the local ethnic communities of the CHT region.[3] Ministry of Chittagong Hill Tracts Affairs (MoCHTA), the CHT Regional Council, three Hill District Councils and CHT Development Board are working in tandem to co-ordinate various development activities in CHT region.

Concept of Natural Wealth/Resources in Bangladesh

14. According to Constitution, natural wealth and resources such as all minerals and other things of value underlying any land of Bangladesh, or within the territorial waters, or the ocean over the continental shelf of Bangladesh constitute property of the republic.[4] In addition, Water,[5] Water bodies, Fish,[6] Wildlife,[7] Hills and Forests[8] are recognized as natural wealth and resources.

15. The Bangladesh Oil, Gas and Mineral Corporation Ordinance, 1985 defines "mineral" as all minerals, whether in a solid, liquid or gaseous state and rock resources, metal or non-metal, including coal, lime-stone, clay, sand, metalliferous ore and non-metallic mineral and any other naturally occurring substance which may be used either in its original form or after processing for economic purposes.[9]

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[1] The Constitution of the People's Republic of Bangladesh, 1972, art. 7.
[2] *Ibid*, art. 11.
[3] The Chittagong Hill Tracts Regional Council Act, 1998, s. 4.
[4] *Ibid*, art. 143.
[5] The Bangladesh Water Act, 2013, s. 3.
[6] The Fish and Fish Products (Inspection and Quality Control) Ordinance, 1983, s. 2 (b).
[7] The Wildlife (Preservation and Protection) Act, 2012, s. 2 (25).
[8] The Forest Act, 1927, s. 2 (4).
[9] The Bangladesh Oil, Gas and Mineral Corporation Ordinance, 1985, s. 2 (e).

Right to Disposal of Natural Resources and Wealth

16. The GoB is exclusively vested with the right to dispose of natural resources and wealth on behalf of the people only for the public purpose and public interest. The Constitution has invested particularly the Executive organ of State with the authority to dispose of the natural resources and wealth.[10] This power of disposal and control of the natural resources is regulated by law.

Expropriation in Public Interest

17. In Bangladesh, expropriation or nationalization of foreign private investment is generally prohibited except for the cases warranted by public purpose, compensated adequately, expeditiously and in freely transferable manner.[11]

Article 2

Measures to ensure progressive realization of esc rights

18. The Constitution incorporates in Part-II a set of provisions similar to the ESC rights designated as "Fundamental Principles of State Policy". The Constitution provides that these principles will be fundamental to the governance of Bangladesh, will be applied by the State in the making of laws, will be a guide to the interpretation of the Constitution and of the other laws of Bangladesh, and will also form the basis of the work of the State and of its citizens.[12]

Legislative Measures

19. The Constitution has invested the Parliament with the power to make laws for the country. The Parliament has passed a good number of legislations that give effect to the provisions of the ICESCR. Legislations relevant to the ICESCR include – the Constitution of the People's Republic of Bangladesh, 1972; the Bangladesh (Adaptation of East Pakistan Intermediate and Secondary Education Ordinance) Order, 1972; the Labour Act, 2006; the Bangladesh Labour Welfare Foundation Act, 2006; the Bangladesh Oil, Gas and Mineral Corporation Ordinance, 1985; the Bangladesh Water Act, 2013; the Agricultural Labour Minimum Wages Ordinance, 1984; the Boilers Act, 1923; the Child Marriage Restraint Act, 2017; the Children Act, 2013; the Christian Marriage Act, 1872; the Compulsory Primary Education Act, 1990; the Copyright Act, 2000; the Disability Welfare Act, 2001; the Domestic Violence (Prevention and Protection) Act, 2010; the Drugs (Control) Ordinance, 1982; the Fish and Fish Products (Inspection and Quality Control) Ordinance, 1983; the Foreign Private Investment (Promotion and Protection) Act, 1980; the Forest Act, 1927; the Formalin Control Act, 2015; the Geographical Indication of Goods (Registration and Protection) Act, 2013; The Government Educational and Training Institutions (Adaptation) Order, 1972; the Government Educational and Training Institutions Ordinance, 1961; the Hindu Marriage Registration Act, 2012; the Hindu Widows Re-Marriage Act, 1856; the Institute of Nuclear Agriculture Ordinance, 1984; the Intermediate and Secondary Education Ordinance, 1961; the Madrasa Education Ordinance, 1978; the Maintenance of Parents Act, 2013; the Maternity Act, 1939; the Maternity Benefit Act, 1939; the Maternity Benefit Tea State Act, 1950; the Muslim Family Laws Ordinance, 1961; the Muslim Marriages and Divorces (Registration) Act, 1974; the Narcotics Control Act, 1990; the National Housing Authority Act, 2000; the National Human Rights Commission Act, 2009; the Notification on Public Servant (Retirement) Act, 1974; the Nuclear Power Plant Act, 2015; the Nuclear Safety and Radiation Control Act, 1993; the Orphanages and Widows' Homes Act, 1944; the Patents and Designs Act, 1911; the Payment of Wages Act, 1936; the Penal Code, 1860; the Pension Act, 1871; the Prevention and Suppression of Human Trafficking Act, 2012; the Prevention of Cruelty to Women and Children Act, 2000; the Private University Act, 1992; the Protection of the Rights of the Persons with Disabilities

[10] *Supra* note 1, art. 144.
[11] The Foreign Private Investment (Promotion and Protection) Act, 1980, s. 7.
[12] *Supra* note 1, art. 8 (2).

Act, 2013; the Protection Trust for the Person's with Neuro-Developmental Disabilities Act, 2013; the Road Transport Labour Welfare Fund Act, 2005; the Services (Reorganization and Conditions) Act, 1975; the Special Marriage Act, 1872; the Special Privilege of Women in Prison Act, 2006; the State-Owned Manufacturing Industries Workers (Terms and Conditions of Service) Ordinance, 1985; the Tea Plantation Ordinance, 1962; the Technical Education Act, 1967; the Trademark Act, 2009; the Vaccination Act, 1880; the Voluntary Social Welfare Agencies (Registration and Control) Ordinance, 1961; the Wildlife (Preservation and Protection) Act, 2012; the Workers Compensation Act, 1923 etc. [Annex-III].

Administrative Measures

20. The Constitution and the laws passed by the Parliament provide for a number of administrative mechanisms that deal with ESC rights. A list of administrative and other relevant bodies/institutions responsible for the implementation of ESC rights is as follows — Bandarban Hill Tracts District Council, Bangla Academy, Bangladesh Academy for Rural Development, Bangladesh Agricultural Development Corporation, Bangladesh Agricultural Research Council, Bangladesh Agricultural Research Institute, Bangladesh Bank, Bangladesh Bureau of Educational Information and Statistics, Bangladesh Bureau of Statistics, Bangladesh Employers Federation, Bangladesh Export Processing Zone, Bangladesh Garments Manufacturers and Exporters Association, Bangladesh Haor & Wetland Development Board, Bangladesh Inland Water Transport Authority, Bangladesh Institute of Nuclear Agriculture, Bangladesh Jute Research Institute, Bangladesh Knitwear Manufacturers Export Association, Bangladesh Krira Shikkha Protishtan (Bangladesh Sports Education Institute), Bangladesh Madrasa Education Board, Bangladesh Medical Research Council, Bangladesh Milk Producers' Cooperative Union Ltd (known by their brand "Milk Vita"), Bangladesh Rice Research Institute, Bangladesh Rural Development Board, Bangladesh Seed Association, Bangladesh Shilpakala Academy (Bangladesh Academy for Fine Arts), Bangladesh Shishu Academy (Bangladesh Children's Academy), Bangladesh Sugarcane Research Institute, Bangladesh Technical Training Center, Bangladesh Water Development Board, Bangladesh Women Rehabilitation Welfare Foundation, Begum Rokeya Training Centre, Border Guard Bangladesh, Bureau of Non-Formal Education, Chambers of Commerce and Industry, Childern Development Centres, Chittagong Water Supply and Sanitation Authority, CHT Accord Implementation Monitoring Committee, CHT Development Board, CHT Regional Council, City Corporations, Comprehensive Village Development Cooperative Society, Copyright Board, Copyright Office, Department of Archaeology, Department of Environment, Department of Fine Arts in Chittagong University, Department of Fire Service and Civil Defence, Department of Fisheries, Department of Narcotics Control, Department of Patents, Designs & Trademarks, Department of Public Health Engineering, Department of Social Services, Department of Women Affairs, Dhaka Water Supply and Sanitation Authority, Disaster Management Bureau, Dock Labour Management Board, Faculty of Fine Arts, University of Dhaka, Farming Training Centre for Women, Folk Heritage Museum, Industrial Relations Institutes, Institute of Child & Mother Health, Institution for the Intellectually Impaired Children, International Centre of Diarrheal Disease Research, Bangladesh (icddr,b), International Mother Language Institute, Jatiyo Mohila Shangstha (National Women Organisation), Joint Rivers Commission (JRC), Juvenile Court, Karmasangsthan Bank, Khagrachhari Hill Tracts District Council, Local Government Engineering Department, Labour Court, Minimum Wages Board, Ministry of Agriculture, Ministry of Chittagong Hill Tracts Affairs, Ministry of Civil Aviation and Tourism, Ministry of Commerce, Ministry of Cultural Affairs, Ministry of Disaster Management and Relief, Ministry of Education, Ministry of Environment & Forest, Ministry of Fisheries & Livestock, Ministry of Finance, Ministry of Food, Ministry of Health and Family Welfare, Ministry of Housing & Public Works, Ministry of Industries, Ministry of Information, Ministry of Labour and Employment, Ministry of Liberation War Affairs, Ministry of Local Government, Rural Development & Cooperatives, Ministry of Primary and Mass Education, Ministry of Religious Affairs, Ministry of Shipping, Ministry of Social Welfare, Ministry of Water Resources, Ministry of Women and Children Affairs, National Academy for Primary Education, National Archives, National Autistic Development Foundation, National Blind Training and Rehabilitation Centre, National Council for Women and Children

Development, National Curriculum and Textbook Board, National Institute of Cardiovascular Diseases, National Institute of Preventive & Social Medicine, National Museum, National Narcotics Control Board, National Pay Commission, National Seed Board, National Skill Development Council, National Sports Council, National Women Training and Development Academy, National Workers' Wages and Productivity Commission, Patent and Designs and the Trademarks Registry Office, Patients Welfare Union, Pourasavas (Municipalities), Power Development Board, Rangamati Hill Tracts District Council, Rajdhani Unnayan Kartripakkha (Dhaka Development Authority), Rapid Action Battalion, River Research Institute, Rural Development Academy, Rural Development and Cooperatives Division, Task Force in Building and Fire Safety in Ready Made Garments Industry, Task Force on Expansion and Simplification of Ready-made Garments Industry, Union Parishad, Union Health and Family Welfare Centres, University Grants Commission, Upazila Health Complex, Upazila Parishad, Wage Earners' Welfare Board, Water Resources Planning Organization, Women Rehabilitation Board, Zila Parishad.

21. etc. [Annex-IV]

The Judiciary

22. Although the Constitution provides that ESC rights (Fundamental Principles of State Policy) which are enumerated in Part II are not judicially enforceable, the judiciary look on them as guide to interpretation of the Constitution and of the other laws of the country.[13] The Supreme Court in *Wahab v. Secretary, Ministry of Land*, 1 MLR 338 (1996) has observed that the fundamental principles of State Policy cast an obligation upon the government to act on them.

The National Human Rights Commission

23. The National Human Rights Commission, Bangladesh (BNHRC) was constituted under the National Human Rights Commission Act, 2009 in the light of "the Paris Principles" to promote and protect human rights in Bangladesh. The functions of the BNHRC include investigation and inquiry, recommendation, legal aid and human rights advocacy, research and training on human rights norms and practices. Its mandate extends to, inter alia, developing human rights policies through conducting human rights research and issuing legal and administrative policy recommendations; analyzing laws, policies and practices from a human rights perspective; investigating human rights violation cases and providing access to justice and Promoting human rights education and raising public awareness about perception of human rights.

Anti-Corruption Commission

24. The GoB believes that elimination of corruption is crucial to enjoyment of ESC rights in all spheres of national life. The Anti-Corruption Commission (ACC) is an independent institution designed to investigate and prosecute offences related to corruption. The ACC has formed Corruption Prevention Committees in 9 Metropolitan areas, 62 districts and 421 Upazilas (sub-districts) with a view to raising awareness and promoting anti-corruption movement among citizens.

Principle of Non-Discrimination

25. Non-discrimination is one of the fundamental tenets of the Bangladesh Constitution. Article 27 of the Constitution provides that all citizens are equal before law and are entitled to equal protection of law. The Constitution has incorporated both general and particular non-discrimination clauses. Article 28 of the Constitution in general sets out the principle of non-discrimination by providing that no citizen will be discriminated on the grounds only of religion, race, caste, sex or place of birth. The Constitution, in particular, also prohibits that no citizen will on grounds only of religion, race, caste, sex or place of birth be

[13] *Ibid.*

subjected to any disability, liability, restriction or condition with regard to access to any place of public entertainment or resort or admission to any educational institution.

26. The principle of non-discrimination is an embedded feature of every legislation enacted for the purpose of promotion and protection of ESC rights in Bangladesh. Furthermore, in order to ensure non-discrimination in the enjoyment of ESC rights, the Law Commission of Bangladesh has finalized an Anti-discrimination Bill, 2015 which is under active consideration of the government.

Article 3

Protection against discrimination on the grounds of sex

27. Bangladesh is a signatory to the UN Convention on the Elimination of All Forms of Discrimination Against Women, 1979.

28. The Constitution guarantees equal rights of women in all spheres of the State and of public life.[14] In addition, the Constitution of Bangladesh recognizes that affirmative actions are necessary for the overall development of women in the society.[15] Moreover, the Constitution provides that it is a duty upon the GoB to take endeavors to ensure equal opportunity and participation of women in all spheres of national life.[16]

29. The GoB has adopted a number of policies, programmes and plans of action to promote gender equality and eliminate discrimination against women. Among them, the Perspective Plan of Bangladesh 2010-2021 and the National Women Development Policy, 2011 specially aim for promoting gender balance in all spheres of society. A National Action Plan has been adopted to implement the National Women Development Policy, 2011. For implementation of the gender equality initiatives a National Council for Development of Women and Children headed by the Prime Minister is also in place.

Articles 4 & 5

Extent of the Enjoyment of Esc Rights in Bangladesh

30. The GoB is committed to give full effects to the rights enumerated in the ICESCR. The GoB maintains that rights and freedoms recognized in the ICESCR are indivisible and are not mutually exclusive. The recognition and enforcement of one particular right does not necessarily mean taking away of or yielding to another right. The GoB believes that respect, recognition and enforcement of the rights mentioned in the ICESCR are strictly subject to such exceptions, limitations and restrictions as are permitted by the ICESCR itself.

31. The GoB recognizes that ICESCR does not confer any right to engage in any activity or to perform any act aimed at the destruction of any of the rights or freedoms recognized therein, or at their limitation to a greater extent than is provided for in the present Covenant, nor does it permit restriction upon or derogation from any of the fundamental human rights recognized or existing in Bangladesh in virtue of law, conventions, regulations or custom for the reason that they are not specifically mentioned in the ICESCR.

Article 6

Work as a Right and Duty

32. The Constitution of the People's Republic of Bangladesh not only recognizes work as right, duty and matter of honour for every citizen who is capable of working,[17] but also

[14] *Supra note* 1, art. 28 (1) (2).
[15] *Ibid*, art. 28 (4).
[16] *Ibid*, art. 19 (3).
[17] *Ibid*, art. 20 (1).

makes it a fundamental responsibility of the State to secure to its citizens the right to work, that is the right to guaranteed employment at a reasonable wage having regard to the quantity and quality of work.[18] The Constitution of Bangladesh particularly obliges the GoB to ensure equality of opportunity and participation of women in all spheres of national life.[19]

Work as a means of gaining Livelihood

33. The Constitution provides that everyone will be paid according to his or her work and no one will be allowed to enjoy unearned incomes.[20] The Constitution furthermore provides that every citizen who is eligible for any particular profession, occupation, trade or business will have the right to enter upon that profession or occupation or to conduct any lawful trade or business subject to restrictions or conditions imposed by law.[21]

Freedom to choose one's own occupation/profession

34. The Constitution expressly prohibits all forms of forced labour. The Constitution further stipulates that any contravention of this provision will be an offence punishable in accordance with law. The only permissible exception to this safeguard is compulsory labour by persons undergoing lawful punishment for a criminal offence or required by any law for public purposes.[22] The National Labour Policy, 2012 also sets elimination of forced labour as one of its fundamental object.

35. In addition to the above, Bangladesh is a signatory to the Slavery Convention, 1926 and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956; the ILO Convention concerning Forced or Compulsory Labour, 1930 (Convention No. 29); the ILO Convention concerning Abolition of Forced Labour Convention, 1957 (Convention No. 105); and the UN Convention against Transnational Organized Crime, 2000. At the regional level, Bangladesh has ratified the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, 2002.

36. Slavery and slave trade, according to the Penal Code, 1860 are criminal offences for which severe punishment has been provided. The Prevention and Suppression of Human Trafficking Act, 2012 provides that whoever imports, exports, removes, buys, sells or disposes of any person as a slave, or accepts, receives or detains against his will any person as a slave will be punished with imprisonment for a term which may extend to seven years and will also be liable to fine. Moreover, the said law provides that whoever habitually imports, exports, removes, buys, sells, traffics or deals in slaves, will be punished with imprisonment for life, or with imprisonment for a term not exceeding ten years, and will also be liable to fine.[23]

Technical and vocational Training Programmes

37. The GoB has adopted the National Skills Development Policy, 2011 for promoting technical and vocational training. The key target groups of the Policy include youth, women, low-skilled people, people with disabilities, migrants and internally displaced people, older workers, indigenous people, ethnic minority groups, the socially excluded communities; and also workers employed in small and medium-sized enterprises, rural, agricultural and informal occupations. The GoB also has formed the National Skill Development Council (NSDC) consisting of 37 members with the Prime Minister as chairperson.

38. The Department of Labour has established Industrial Relations Institutes (IRI) in Dhaka, Chittagong, Khulna and Rajshahi with a view to providing training facilities. During the period of 2014-16, the IRI has conducted 313 training courses and a total of

[18] *Ibid*, art. 15 (b).
[19] *Ibid*, art. 19 (3).
[20] *Ibid*, art. 20.
[21] *Ibid*, art. 40.
[22] *Ibid*, art. 34.
[23] The Penal Code, ss. 370-371.

8712 trainees have received training. The training facilities cover both the employees and the employers.

39. Until now, the GoB has established 26 Technical Training Centres (TTC) to provide technical and vocational training to the unemployed persons to make them eligible for employment. Every year about 25,000 persons get training from these institutions and find them eligible for the employment.

40. At present, the GoB is operating 7 technical and vocational training projects. About 3100 persons including both employers and employees have received training under "Promoting Fundamental Principles and Rights at Work in Bangladesh (FPRW)" project. In addition, the GoB has established 30 labour welfare centres in four divisions Dhaka, Chittagong, Rajshahi and Khulna- which provided training on 328 courses to 15,402 workers in the last three years (2014, 2015 & 2016).

National Plan for Economic & Social Development

41. The Constitution provides for establishment of an economic system with a view to ensuring the attainment of a just and egalitarian society, free from the exploitation of man by man.[24] The Constitution has provided for the State to take effective measures to ensure the equitable distributions of opportunities among citizens in order to attain a uniform level of social and economic development throughout the country.

42. Established in 1972, the Planning Commission is primarily in charge of preparing the short and mid-term and long-term economic development plans, making recommendations for updating policies and infrastructure for implementation and realisation of the aforesaid plans and co-coordinating with various ministries of the government in this regard. In addition, the Planning Commission serves as the Secretariat for major economic policy issues as well as conducts feasibility of development projects and programmes commissioned by the National Economic Council (NEC).

43. Currently, the principal tasks of the Planning Commission include formulation of country's medium-term (Five Years Plan) macro plan within the framework of long-term (15-20 years) perspective, formulation of the Three Year Rolling Investment Programme (TYRIP) in keeping with the Five Year Plan, preparation of Annual Development Programme (ADP) within the framework of TYRIP and Five Year Plan, appraisal of project proposals for the Executive Committee of National Economic Council (ECNEC) and the Ministry for Planning and evaluation of Plans and their impact on the economic development. In addition to the above, the Planning Commission has formulated the Perspective Plan of Bangladesh 2010-2021.

44. The Planning Commission has developed the National Sustainable Development Strategy, 2010-21 (NSDS) with a view to meeting the challenges of economic, social and environmental sustainability of the economy. It also represents an effort of the Government to meet its international obligation to global sustainable development agenda. The Strategy is based on the long-term development vision of the Government, the Sixth Five Year Plan (2011-2015), the Perspective Plan of Bangladesh 2010-2021 and other sectoral plans, policies and strategies of the government. The implementation period of the NSDS has been set as 2010-2021 with the hope that the country will reach the path of sustainable development by 2021.

Article 7

Just and Favourable Conditions for Work

45. The Constitution provides for guarantee of employment at a reasonable wage having regard to the quantity and quality of work.[25] The Constitution also provides that everyone

[24] *Supra* note 1, art. 10.
[25] *Ibid*, art. 15(b).

will be paid for his work on the basis of the principle from each according to his abilities, to each according to his work.[26]

46. Bangladesh has ratified the ILO Convention Concerning Equal Remuneration for Men and Women Workers for Work of Equal Value, 1951 (Convention No. 100). In addition, Bangladesh is a party to the ILO Convention concerning Discrimination in Respect of Employment and Occupation, 1958 (Convention No. 111).

47. At domestic level, the Labour Act, 2006 governs matters relating to determination of minimum wages, payment of wages, compensation for injuries to workers during working hours, health, safety, welfare, working conditions etc.[27]

Provision of minimum Wages/Remuneration

48. In order to ensure minimum standard of pay for the workers, the GoB has adopted several laws and policies such as the Labour Act, 2006; the Labour Rules, 2015; Bangladesh Labour Policy, 2012; the Payment of Wages Act, 1936; the Agricultural Labour (Minimum Wages) Ordinance, 1984; the State-Owned Manufacturing Industries Workers (Terms and Conditions of Service) Ordinance, 1985; the Services (Reorganization and Conditions) Act, 1975 etc.

49. The Labour Act, 2006 provides for a special definition for wages which is as follows: "wages" means the wages as defined in section 2(45),[28] and also includes the following dues, namely: (a) any bonus or other additional remuneration payable under the terms of employment; (b) any remuneration payable for leave, holiday or overtime work; (c) any remuneration payable under order of any Court or any award or settlement between the parties; (d) any sum payable under any agreement or this Act for the reason of termination of employment, whether by way of retrenchment, discharge, removal, resignation, retirement, dismissal or by whatever means; and (e) any sum payable due to lay-off or suspension.[29]

50. The Labour Act, 2006 provides that the wages of a worker will be paid before the expiry of the seventh working day following the last day of the wage period in respect of which the wages is payable.[30] Where the employment of a worker is terminated by retirement or by his retrenchment, discharge, removal by the employer or by termination of employment by the worker or otherwise, all wages payable to him shall be paid before the expiry of the thirtieth working day following the day of termination of his employment.[31] All wages are to be paid on working days.[32]

51. Minimum wages as declared under section 140 and published under section 145 of the Labour Act, 2006 are binding on the employers. Every worker is entitled to be paid wages at the rate not less than the minimum wages as determined from time to time.[33]

52. The Labour Act, 2006 also provides that no employer will pay wages at a rate lower than the rates declared as minimum wages. This will not prejudice, in any way, the right of a worker to receive wages at a rate higher than the minimum wages. The Act makes the payment of wages at a rate lower than the minimum wages a punishable offence.

Methods of Fixing Minimum Wages/Remuneration

53. The Labour Rules, 2015 lays down the method of fixing the minimum wages. The Payment of Wages Act, 1936 envisages timely payment of wages. It covers the workers

[26] *Ibid*, art. 20.

[27] The Bangladesh Labour Act, 2006, Preamble.

[28] "wages" means all remuneration, expressed in terms of money or capable of being so expressed, which would, if the terms of employment, expressed or implied, were fulfilled, be payable to a worker in respect of his employment or of work done in such employment, and includes any other additional remuneration of the nature aforesaid which would be so payable ..."

[29] *Supra* note 26, s. 120.

[30] *Ibid*, s. 123 (1).

[31] *Ibid*, s. 123 (2).

[32] *Ibid*, s. 123 (3).

[33] *Ibid*, s. 148.

employed at wharfs, docks, mines, and plantations, transportation enterprises along with the workers employed in industrial establishments. The Agricultural Labour (Minimum Wages) Ordinance, 1984 provides for the establishment of the Council of Minimum Wages and Prices for Agricultural Labour.[34]

54. In Bangladesh, minimum wages/remuneration are determined by the following bodies, such as (i) National Pay Commission which fixes wages for government employees; (ii) National Workers' Wages and Productivity Commission which fixes wages for workers in public sector enterprises; and (iii) Minimum Wages Board which fixes the wages of the workers in private sector; (iv) Wages Board for Newspaper Employees which fixes the remuneration of the employees working for newspapers, and (v) Minimum Wage Board which fixes minimum wages for the Workers of RMG sector.

National Pay Commission

55. The GoB from time to time sets up Pay Commission with a view to updating pay structure of its employees. Since independence in 1971, eight pay commissions have been set up until now. The National Pay Commission determines minimum wages to be paid to the persons employed in the government service. According to the latest 8th National Pay Scale, 2015; the basic salary structure is as follows:

Grade	*7th National Pay Scale (in BDT)*	*8th National Pay Scale (in BDT)*
1	40 000	78 000
2	33 500	66 000
3	29 000	56 000
4	25 750	50 000
5	22 250	43 000
6	18 500	35 500
7	15 000	29 000
8	12 000	23 000
9	11 000	22 000
10	8 000	16 000
11	6 400	12 000
12	5 900	11 300
13	5 500	11 000
14	5 200	10 200
15	4 900	9 700
16	4 700	9 300
17	4 500	9 000
18	4 400	8 800
19	4 250	8 500
20	4 100	8 250

National Workers' Wages and Productivity Commission

56. The State-Owned Manufacturing Industries Workers (Terms and Conditions of Service) Ordinance, 1985 provides for establishment of the National Workers' Wages and Productivity Commission for the purpose of determining the minimum wages of the workers employed in the government industries.

57. In order to raise the wages for the workers employed in the state-owned enterprises in line with the enhanced salary of the public servants after the 8th Pay Scale, the GoB has

[34] *Ibid*, s. 4.

taken initiatives to constitute the National Wage and Productivity Commission of 2015. The GoB established similar commissions in 2005 and 2010.

Minimum Wages Board

58. The Minimum Wages Board has been established under section 138 of the Labour Act, 2006 for determining minimum wages for workers employed in private sector. The Board has been given the power to make recommendations to the government on determination of minimum wages for all the workers in the private sectors.[35] The recommendation provided by the board is final and beyond any question.[36] Bangladesh Labour Rules, 2015 lays down the detailed procedures for determining minimum wages.

59. The Minimum Wages Board makes recommendations for fixing minimum rate of wages for the workers in the private industries. In determining minimum wages, the Board takes into consideration the relevant socio-economic factors.[37] The minimum wages so declared are binding on all concerned employers.[38] Both civil and criminal actions can be taken against the employer who fails to pay minimum wages and due wages to a worker.[39]

60. Bangladesh Labour Act, 2006 designated a total of 42 private sector industries. The Minimum Wages Board has fixed minimum wages for the employees in these 42 private sectors. The GoB has already re-fixed Minimum Wage in 38 sectors amongst those sectors.[40]

Wage Board for Newspaper Employees

61. The GoB formed the 8th Wage Board for journalists and employees of newspapers and news agencies on 11 September 2013. According to recommendation of the Board, the GoB approved a 75 percent increase in the basic salaries thereof:

Grade	*Eighth Wage Board (In BDT)*	*Seventh Wage Board (In BDT)*
1	31 850	18 200
2	24 106	13 775
3	15 925	9 100
4	12 600	7 200

Minimum Wage Board for RMG Workers

62. Following a tripartite agreement with Bangladesh Garments Manufacturers and Exporters Association (BGMEA) and Ready Made Garments (RMG) sector workers, the GoB has established a Minimum Wages Board for RMG Workers. In 2014, the minimum wages of garments workers was fixed at BDT 5300.00 — which is 76.66 percent higher than the previous minimum wage rate of BDT 3000.00.[41]

Equal Pay for Women

63. The Constitution Bangladesh enshrines the principle of equal remuneration for men and women workers for work of equal value. Furthermore, the Constitution provides that the State will not discriminate against any citizen on ground of religion, race, caste, sex or place of birth.[42]

64. In the public-sector employment, women and men receive equal remuneration for similar works and their performance is assessed on the basis of same criteria and standard. Retirement benefits and medical support are also same for both women and men. Women

[35] *Ibid*, s. 139.
[36] *Ibid*, s. 140.
[37] *Ibid*, s. 141.
[38] *Ibid*, s. 148.
[39] *Ibid*, s. 132.
[40] Ministry of Labour and Employment, Yearly Report 2014-2015, p. 11.
[41] *Ibid*, p. 12.
[42] *Supra* note 1, art. 28.

are allowed six month's paid maternity leave. In private sector, gender differences exist in terms of wages rates. The GoB, therefore, emphasizes enforcement of labour laws and is motivating employers to ensure equal pay and benefits for women.[63]

Safe and Healthy Working Conditions

65. Bangladesh has enacted a number of laws on health and safety issues of the workers. Among them the remarkable ones are the Bangladesh Labour Act, 2006; the Formalin Control Act, 2015; the National Policy on HIV/AIDS and STD related issues, 1996; the Nuclear Safety and Radiation Control Act, 1993; the Institute of Nuclear Agriculture Ordinance, 1984 and the Boilers Rules, 1928; and the Boilers Act, 1923.

Safety Regulations in Factories

66. The Bangladesh Labour Act, 2006 incorporates detailed provisions on matters relating to health and hygiene, cleanliness, ventilation and temperature, dust and fume, disposal of wastes and effluents, artificial humidification, overcrowding, lighting, potable water, toilets and washrooms etc.[64]

67. The Bangladesh Labour Act, 2006 also contains detailed provisions on safety measures relating to factory building and machineries; fire safety measures; and safety measures for dangerous machineries, cranes and other lifting machinery, hoists and lifts, pressure plants, floors, stairs and passages, pits, sumps, tunnel mouths, excessive weights, protection of eyes, fumes, explosive or inflammable gas, dust, etc.[65]

68. The Labour Act, 2006 lays down strict condition regarding employment of women in certain hazardous works. Moreover, it is prohibited to employ any women to do hazardous work or hazardous work of dangerous machine or work under water.[66]

69. Following consultation with the civil society, employers and trade unions, the GoB has officially enlisted 38 works as hazardous for children.[67] The Ministry of Labour and Employment has already implemented the first three stages of a project to eradicate child labours employed in hazardous works in Bangladesh. The action plan for the 4th stage is underway.[68]

Safety Regulations in Garments Industries

70. The National Tripartite Plan of Action on Fire Safety in the RMG Sector was signed on 24 March 2013 in response to the Tazreen factory that claimed 112 lives.

71. In the wake "Rana Plaza Incident", an agreement was signed in November, 2013 among the Bangladesh Ministry of Labour, leading buyers, employers' and workers' organizations as well as NGOs to provide compensation to the deceased, injured or missing workers and their families as the case may be.

72. Till September of 2015, a total of 2,895 claims (720 deceased, 2,027 injured and 148 missing) had been received by the Rana Plaza Claims Administration relating to approximately 5,171 workers or their families. An additional 630 claims were handled separately by Primark.

73. Following Rana Plaza incident it was decided that 3,508 export-oriented RMG factories should undergo structural, fire and electrical safety inspections. Two initiatives representing international brands and retailers: the Bangladesh Accord on Fire and Building Safety and the Alliance for Bangladesh Worker Safety has carried out safety inspections of the factories. The GoB, in collaboration with ILO, carried out inspections of the factories not covered by Accord or Alliance. In total, the three initiatives inspected 3,780 factories of

[63] Eight Periodic Report of Bangladesh to CEDAW (CEDAW/C/BGD/8), 2015, p. 35.
[64] *Supra* note 26, ss. 51-60.
[65] *Ibid*, ss. 61-78.
[66] *Ibid*, s. 87.
[67] *Supra* note 39, p. 11.
[68] *Ibid*, p. 12.

which 1,549 were assessed through the national initiative. A total of 39 factories have been shut down for non-compliance with safety regulations.

74. Following Tazreen and Rana Plaza disasters, the GoB took intensive steps to rebuild the Department of Inspections of Factories and Establishments (DIFE). The inspection service was upgraded to a department in 2014, positions were created for 392 new inspectors and budgetary allocation increased from US$ 0.9 million in 2013-14 to US$ 4.83 million in 2016-17. By December of 2016, 244 new inspectors (67 female) had been recruited or appointed bringing the total to 306.

75. Emphasis has been placed on enhancing the capacity of Fire Service and Civil Defence Department (FSCD) to carry out inspections and respond to incidents. The GoB has increased the strength of the FSCD with the number of fire service staff working as inspectors up from 55 to 265. The GoB has imposed lower rates of tax on importation of fire-extinguishing instruments/machineries. In addition, an amount of BDT 1.62 billion has been allocated to the Department of Fire Service and Civil Defence for purchasing fire-extinguishing equipment.[49]

76. The construction, ready-made garment, and ship recycling sectors have been singled out with respect to working conditions and OSH. The GoB is finalising a National Occupational Safety Health (OSH) Policy and is extending its support to programmes and activities addressing these issues.

77. The GoB has established 30 workers welfare centres to ensure welfare for the workers through different projects. From these centres, over the period from 2014 to 2016, a total of 1,88,337 workers have taken free medical services; 98,520 workers have taken family planning advice and services; 4,68,203 workers have taken the recreational facilities; and, 15402 workers have taken training under the workers education course.[50]

Protection against Sexual Harassment in Workplace

78. The Supreme Court of Bangladesh in Writ Petition No. 5916 of 2008, has issued certain directives on the employers in both public and private sectors to form a complaint committee headed by a woman at every workplace and institution to investigate allegations of sexual harassment of women. Following the judgment, the Ministry of Law, Justice and Parliamentary Affairs, Ministry of Education and Ministry of Children and Women Affairs (MOWCA) have formed complain committees and also sent notification to respective authorities to take necessary action in this regard. Bangladesh Police has also formed anti-sexual harassment committee. In the RMG sector, Bangladesh Garments Manufacturers Employees Association (BGMEA) have formed anti- sexual harassment committees centrally and notified the enlisted garments factories to comply with the directives of the Supreme Court. Bangladesh Bar Council and Bangladesh Knit Wear Manufactures' and Exporters Association (BKMEA) had also formed complaint committee and notified their existing members to formulate a complaint committee at their respective work places.

Right to rest, recreation and leisure

79. The Constitution of Bangladesh provides that it will be a fundamental responsibility of the State to ensure the right to reasonable rest, recreation and leisure to all of its citizens.[51]

80. In addition, Bangladesh is a party to the ILO Convention on Hours of work (Industry) Convention, 1919 (No.1); the ILO Convention on Night Work (Women) Convention, 1919 (No. 4); the ILO Convention on Night work of Young Persons (Industry) Convention, 1919 (No. 6); the ILO Convention on Weekly Rest (Industry) Convention, 1919 (No. 14); and the ILO Convention on Weekly Rest (commerce & offices) Convention, 1957 (No. 106).

[49] *Ibid*, p. 15.
[50] *Ibid*, p. 26.
[51] Supra note 1, art. 15 (c).

Working Hours

81. The Labour Act, 2006 and the Labour Rules, 2015 govern matters relating to the daily working hours, the weekly working hours and overtime. The Labour Act, 2006 has incorporated special provision relating to working hours of female workers particularly in cases of overtime, pregnancy etc.

82. According the Labour Act, 2006, a worker will not work more than eight hours a day.[52] Workers shall have a leisure period of one hour between working hours.[53] A worker is not allowed to work more than 10 hours a day, including overtime.[54]

Leave, holidays etc.

83. The Bangladesh Labour Act, 2006 introduces following leaves with wages.

i.	Annual leave
ii.	Festival holidays
iii.	Casual leave
iv.	Sick leave
v.	Maternity leave

84. The Labour Act, 2006 provides for one day annual leave with full wages for every 18 working days for adults and one day for every 15 working days for adolescents in a period of 12 months.[55] Every worker gets 11 days festival leave with full wages in a calendar year.[56] The said Act entitles every worker to 14 days casual leave with full wages in a calendar year.[57] In addition, the Labour Act, 2006 allows for 14 days sick leave with full wages[58] and 16 weeks (8 weeks before and 8 weeks after the delivery) maternity leave.[59]

Article 8

Right To Trade Unions

85. Bangladesh is a signatory to the ILO Convention on Freedom of Association and Protection of the Right to Organise, 1948 (Convention No. 87) and the ILO Convention on Right to Organise and Collective Bargaining, 1949 (Convention No. 98). In addition, the Constitution of Bangladesh provides that every citizen shall have the right to form associations or unions.[60] This right includes the right to form political parties, trade unions and other associations. The Supreme Court of Bangladesh has held that the right to form an association or union essentially embraces the right to form a trade union.[61]

86. The Constitution further provides that a person will not have the right to form, or be a member of the an association or union if it is formed — (i) for the purposes of destroying the religious, social and communal harmony among the citizens; (ii) for the purposes of creating discrimination among the citizens, on the ground of religion, race, caste, sex, place of birth or language; (iii) for the purposes of organizing terrorist acts or militant activities against the State or the citizens or any other country; (iv) with objectives that are

[52] *Supra* note 26, s. 100.
[53] *Ibid*, s 101.
[54] *Ibid*, s 105.
[55] *Ibid*, s. 117.
[56] *Ibid*, s. 118.
[57] *Ibid*, s. 115.
[58] *Ibid*, s. 116.
[59] *Ibid*, s. 46.
[60] *Supra* note 1, art. 38.
[61] *Aircraft Engineers v. Registrar, Trade Union*, [1993] 45 DLR (AD) 122.

inconsistent with the Constitution.[62] The Labour Act, 2006 provides that no worker or trade union of workers and no person acting on behalf of such trade union will influence any person to become, or refrain from becoming or continuing as a member or officer of a trade union by way of intimidation, coercion or inducement.

87. In order to simplify the trade union registration process, the GoB, among others has amended the Labour Act, 2006 (in 2013) simplifying procedures for formation of trade unions. Also, the trade union registration has been made online so that it becomes easier and more transparent.

88. In order to raise awareness about trade union rights among the workers, the GoB is implementing a number of projects. Under "Promoting Fundamental Principles and Rights at Work in Bangladesh (FPRW)" project, about 3100 persons including both employers and employees have received training on trade union related issues. As a measure for ensuring constructive social dialogue in labour sector, the GoB is implementing a project called, "Promoting Social Dialogue and Harmonious Industrial Relations in Bangladesh RMG Industry". In addition to the workers and employers, Labour Officers will receive capacity-building training to handle cases of anti-union discrimination under the auspices of this project.

89. The GoB has amended the Labour Act, 2006 so as to allow formation of one trade union for seamen[63] and abolished the Dock Labour Management Board for enhancing the management and skill of labours in Chittagong and Mongla port.[64]

Right to Form National Federations and Confederations of Trade Unions

90. The Labour Act, 2006 recognizes the right to form national federation of trade unions as well. If five or more trade unions formed in an establishment engaged in or carrying on the same or identical industry and the trade union organizations of more than one administrative division may constitute a federation by executing a deed of federation and apply for its registration. However, there is prohibition that a trade union of workers will not join in a federation of trade union of employers and a trade union of employers will not join in a federation of trade union of workers.[65]

91. A federation of trade unions is allowed to determine its own procedure.[66] The Labour Act, 2006 also provides for establishment of national federations of trade unions. The law provides that at least twenty trade unions registered in the case of more than one industry and the trade union organizations of more than one administrative division may constitute a federation of trade unions at national level.[67] Similarly at least ten national trade union federations may form a confederation.[68]

92. The Department of Labour is responsible for registering trade unions and federation of trade unions as well as determining the Collective Bargaining Agent (CBA).[69] At present, there are 7761 registered trade unions with the membership of 26,30,640 labourers. In addition, there are 175 Federations (including 44 Garments Federation of 164 registered trade unions with the membership of 72,982 labourers) and 131 industrial federation registered under the Labour Act, 2006. The number of registered CBAs in Bangladesh stands at 12 as on December 2016 where 84,191 workers are members of these unions.

93. According to the Labour Act, 2006, the Department of Labour also resolves disputes.[70] From January 2016 to April 2017, a total of 146 complaints has been received, of which 93 have been resolved.

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[62] *Supra* note 1, art. 38.
[63] *Supra* note 26, s. 185.
[64] *Supra* note 39, p. 9.
[65] *Supra* note 26, s. 200 (1).
[66] *Ibid*, s. 200 (2).
[67] *Ibid*, s. 200 (5).
[68] *Ibid*, s. 200 (6).
[69] *Supra* note 39, p. 23.
[70] *Supra* note 26, s. 210.

Right to Join International Federations of Trade Unions

94. There are six federations of trade unions, which are affiliated with the International Trade Union Confederation (ITUC). The ITUC affiliates in Bangladesh are the Bangladesh Free Trade Union Congress, Bangladesh Jatiyatabadi Sramik Dal, the Bangladesh Labour Federation, Bangladesh Mukto Sramik Federation, Bangladesh Sanjukta Sramik Federation and Jatiyo Sramik League.

Right of Trade Unions to Function Freely

95. The Labour Act, 2006 provides that a registered trade union has the right to function freely according to its own rules of procedures.[71]

96. In addition, every establishment, in which at least 50 workers are ordinarily employed, is required to constitute a participatory committee according to law.[72] The idea is through participation committee will be inculcated and developed a sense of belonging to the establishment among the workers and employers.[73]

97. The GoB has also formed a Crisis Management Core Committee headed by the State minister of the Ministry of Labour and Employment (MoLE) for the purpose of resolving differences between the labourers and employers by means of dialogues.[74]

98. The GoB has established 9 Regional (local) Crisis Prevention Committees in industrial regions like Dhaka, Chittagong, Gazipur, Narayangonj and Narsingdi to resolve disputes between the labourers and employers through dialogues.[75]

Right to Strike

99. The Labour Act, 2006 recognizes right to strike. The workers may exercise the right if any industrial dispute could not be resolved through peaceful conciliation.

100. According to Labour Act, 2006 the party which raises any industrial dispute may, within 15 days of receipt of the certificate of failure of conciliation,[76] give a notice of strike or lockout, in which the date of commencement of such strike or lockout should be mentioned. The strike or lock-out will not be earlier than 7 days and later than 14 days of the date of giving such notice. Any collective bargaining agent can serve notice of strike if two-thirds of its members give their consent to it through a secret ballot specially held for that purpose under the supervision of the Conciliator.[77]

101. The Labour Act, 2006 imposes some restrictions on the worker's right to strike. If any strike or lock-out lasts for more than 30 days, the government may, by order in writing, prohibit it. Also, reasonable restrictions can be imposed by the government by order in writing prohibiting a strike or lock-out at any time before the expiry of 30 days if the continuance of such strike or lock-out is causing serious hardship to public life or is prejudicial to the national interest.[78]

102. The strike or lock-out is prohibited in an establishment for a period of 3 years from the date of commencement of production, if such establishment is a new one or is owned by foreigners or is established in collaboration with foreigners.[79]

103. According to the Labour Act, 2006 if the government prohibits a strike or lock-out the government will forthwith refer the dispute to the Labour Court for settlement. If a

[71] *Ibid*, s. 205.
[72] *Ibid*, s. 205 (1).
[73] *Ibid*, s. 206 (1).
[74] *Supra* note 39, p. 13.
[75] *Ibid*, p. 13.
[76] *Supra* note 26, s. 210(11).
[77] *Ibid*, s. 211 (1).
[78] *Ibid*, s. 211 (3) & (4).
[79] *Ibid*, s. 211 (8).

strike or lock-out begins, either of the parties to the dispute may make an application to the Labour Court for adjudication of the dispute.[80]

Article 9

Constitutional obligation for social security

104. The Constitution of Bangladesh recognizes the citizens' right to social security in cases of undeserved want arising from unemployment, illness or disablement, as well as suffered by widows or orphans or in old age.[81]

Laws, Rules, Policies etc.

105. In Bangladesh the laws which primarily give effect to social security provisions include: the Bangladesh Labour Act, 2006; the Children Act, 1974; the Disability Welfare Act, 2001; the Maintenance of Parents Act, 2013; the Maternity Act, 1939; the Maternity Benefit Act, 1939; the Maternity Benefit (Tea Estates) Act, 1950; the Notification on Public Servant (Retirement) Act, 1974; the Orphanages and Widows' Homes Act, 1944; the Protection of the Rights of the Persons with Disabilities Act, 2013; the Protection Trust for the Person's with Neuro-Developmental Disabilities Act, 2013; the Road Transport Labour Welfare Fund Act, 2005; the Special Privilege of Women in Prison Act, 2006; the Tea Plantation Ordinance, 1962; the Vagrants and Homeless Person's (Rehabilitation) Act, 2011; the Voluntary Social Welfare Agencies (Registration and Control) Ordinance, 1961; the Welfare Foundation Act, 2006; the Workers Compensation Act, 1923; the Workers Compensation (Amendment) Act, 1983 etc.

106. In addition to the above, the GoB has adopted a number of policies in this regard i.e. the National Disability Policy, 1995; the National Social Welfare Policy, 2005; the National Older Person Policy, 2013; the National Children Policy, 2011; the National Women Development Policy, 2011. The GoB has developed the National Social Security Strategy (NSSS) in order to help people move out of poverty and hunger through building social safety measures for all deserving citizens, particularly the poor and vulnerable.

107. The Ministry of Social Welfare (MoSW) and the Department of Social Welfare (DSW) are primarily responsible for implementation of social security programmes. The important social security programmes include: Food for Work Programme, Vulnerable Group Development, Rural Maintenance Programme, Food for Education Programme, Female Secondary School Assistance Programme, Vulnerable Group Feeding, Old Age and Widow Allowance (Citizen Pension), National Nutrition Programme, School Feeding, Primary Education Stipend Programme, Rural Employment Opportunities for Public Assets Programme, and Employment Guarantee Programme for the Poorest etc.

Social Security Benefits

108. In Bangladesh the social security measures mainly cover woman, old persons, persons with disability, minor and children, small ethnic communities and others.

Provision of Pension

109. The GoB has introduced pension, gratuity, group insurance, benevolent fund for the retired government employees and their dependents. Pension is granted to a government employee on his/her retirement from public service on the basis of length of qualifying service.

110. The Pension Act, 1871 mainly governs all the matters relating to pension. If a retired employee dies while in office or within five years from the date of superannuation, his/her family is entitled to receive a grant from the benevolent fund.

[80] *Ibid*, s. 211 (2) & (5).
[81] *Supra* note 1, art. 15 (d).

111. The GoB has constituted Group Insurance Fund for the government employees, which is managed by a Trustee Board. If an employee dies during service, there is provision that his/her family gets a lump sum amount of money from the Fund.

Security against Occupational Injury

112. The Labour Act, 2006 provides that the employer is legally responsible to pay compensation to a worker in case he/she sustains or succumbs to injury by accident arising out of and in the course of his employment and other 33 listed occupational diseases.[82]

113. The GoB has adopted Bangladesh Labour Welfare Foundation Act, 2006 and also established Bangladesh Labour Welfare Foundation with a view to ensuring monetary support to the disabled or sick workers and their families. The Foundation has formed a "Labour Welfare Fund" and till now the fund has disbursed BDT 53.80 million as assistance to 966 workers. At present this fund has a surplus balance of more than BDT 2.00 billion.

114. With the joint fund of ILO and the German Government, the GoB has begun to implement the National Employment Injury Insurance Scheme of Bangladesh during 2016-2018. It is expected that through this mechanism, compensation for employment injury will be institutionalized.

Persons with Disability

115. The DSW is running a number of programmes to ensure welfare and rehabilitation of the persons with disabilities. Among these programmes, the important ones are integrated education programme for visually impaired students in 64 districts, 1 National Training and Rehabilitation Centre for visually impaired learners, 5 schools for visually impaired students, 1 institution for the children with mental disorder, 8 schools for students suffering from hearing and speech impairments, 1 vocational training and rehabilitation centre for physically disabled persons etc. The government initiatives in this regard are provided below:

Name of the Projects	*Number of Unit*	*Total Seats*	*Number of Rehabilitated Persons*
Institution for the Intellectually impaired children	1	100	109
Schools for visually impaired learners	5	240	2 597
Schools for students suffering from hearing and speech impairments	8	720	5 420
Integrated education Programmes for visually impaired students	64	640	1 132
National Blind Training and Rehabilitation Centre for visually impaired persons	1	85	717
Vocational training and rehabilitation centre for physically disabled persons	2	115	2 153

116. Since 2005-2006, the GoB has been providing allowances to the persons with disabilities. Initially, the GoB allocated BDT 200.00 per capita as disability benefits among 104,166 disabled persons. The GoB has increased the number and benefit in each fiscal year.

Fiscal Year	*Number of Beneficiaries*	*Monthly Allowance*	*Yearly Budget (Billion)*
2005-2006	104 166	200	0.2499
2006-2007	166 660	200	0.3999
2007-2008	200 000	220	0.528

[82] *Supra* note 26, s. 150.

Fiscal Year	*Number of Beneficiaries*	*Monthly Allowance*	*Yearly Budget (Billion)*
2008-2009	200 000	250	0.60
2009-2010	260 000	300	0.936
2010-2011	286 000	300	1.0296
2011-2012	286 000	300	1.0296
2012-2013	286 000	300	1.0296
2013-2014	314 600	300	1.3213
2014-2015	400 000	500	2.40

117. In order to prevent dropouts, the GoB has initiated stipend programme for the disabled children. During 2008-2009, the number of disabled children who received stipends was 13041 and total sanction from government was BDT 60 million. In 2013-2014, the GoB has increased the number of the beneficiaries to 20,482 and sanctioned BDT 97 million.

Minor and Children

118. The Department of Social Welfare (DSW) has been conducting various programmes like maintenance, education, training and rehabilitation of the orphan, unprivileged or abandoned children.

119. The GoB has commenced a programme named Child Sensitive Social Protection in Bangladesh. The programme is being implemented in 20 districts with the support of the United Nations Development Assistance Framework (UNDAF).

120. Under the programme the GoB is operating various activities like 06 Drop-in Centres (DIC), 05 Emergency Night Shelter (ENS), 20 Child Friendly Space (CFS), 05 Open Air Schools (OAS) in order to ensure social security of the street children.

121. The GoB has established 74 Child Day Care Centre for children of low income working women.

122. The Street Children Rehabilitation Programme is being run by the Ministry of Women and Children Affairs for the overall well-being of the street children and to withdraw them from the streets. Shelter Homes have been established for the street children under this programme. The GoB has established three training and rehabilitation centres for destitute children. The total number of the seats of these centres is 750. During 2013-2014 these centres helped rehabilitate 463 children.

123. In 2009, the DSS launched a programme named Services for Children at Risk for children exposed to greater risk in the society. Under the programme the GoB has established 7 integrated child protection service centres in seven divisions in Bangladesh. At present the 850 children are getting benefit from these centres.

124. The DSW has been running 06 shelter homes in the country. During 2013-2014, the GoB has rehabilitated 182 persons using facilities of these shelter homes.

Adult Dependents

125. The GoB has introduced adult benefit service during 1997-1998. Since then the GoB has been working to ensure the social security of the adult dependents. In 2016-17, the GoB registered 31,50,000 adults in the adult benefit scheme.

Widows and Destitute Women

126. The GoB has undertaken a number of projects aiming for socio-economic development and social security of the widow and destitute women.

127. Since 1998, the GoB has been running allowances and pension programmes for destitute and deserted women. Initially, the total allocation and the monthly allowance were respectively BDT 40.31 million and BDT 100. During 2016-2017, the total allotment has

been increased to BDT 6900 Million and the per head monthly allowance has been raised to BDT 500.The GoB has enlisted 11,50,000 women in this programme.

Social Security Insurances

128. In Bangladesh social security insurances mainly include unemployment insurance, pension insurance, health insurance, nursing insurance, accident insurance etc. The GoB is carrying out 145 different social security insurance programmes under its social security mechanism. The total amount being spent on these programmes during 2014-2015 is BDT 307.5 billion which is equivalent to 2.3 percent of the GDP.

129. In Bangladesh the concept of community insurance has been introduced by a number of NGOs such as BRAC, Proshika, Grameen and Gonoshasthaya Kendra. These civil society organizations are running a number of notable and innovative community insurance schemes all over the country.

Small Ethnic Communities and Backward Sections of Population

130. The GoB has launched several social security projects for the small ethnic communities living in CHT districts. Every year the government allocates 75 thousand metric tonnes of food grains as Test Relief and BDT 50 million as Gratuitous Relief in implementation of these projects in the CHT districts.

131. The GoB sanctioned BDT 79.7 million during 2013-2014 for the welfare of the *Dalit* community. The GoB distributed stipend among 2877 school going children of the community. About 10,500 persons received BDT 300.00 each as monthly allowance.

132. In 2010, the GoB took a programme for rehabilitation and alternative employment for persons involved in begging. The GoB is providing them with Rickshaw, Van, microcredit etc.

Other Social Security Measures

133. Approximately, 2.475 million beneficiaries received old-age allowance at a monthly rate of BDT 300. This programme was allocated BDT 8.91 billion in 2010-2011.

134. The GoB created a Fund for rehabilitation of acid-burnt women. During 2010-2011, the victims were disbursed BDT 10 million.

135. During 2010-2011, an amount of BDT 1.02 billion was allocated for providing subsistence allowance to the physically challenged insolvent citizens. Insolvent persons with disability received BDT 300.00 per month. The number of beneficiaries was 286 thousand persons.

136. The Ministry of Liberation War Affairs has introduced a micro-credit programme to create employment opportunities and to enhance the standard of living of the freedom fighters. An amount of BDT 250 million has been allocated to BRDB during FY 2006-07 as a revolving fund to execute the programme. The total amount of money distributed among freedom fighters during 2009-2010 was BDT 302.1 million. As many as 29,310 insolvent freedom fighters and their dependents from 64 districts have been trained and self-employed under this programme.

137. The GoB has been carrying out a programme for the development of the transgender persons since 2013-20014. The GoB has sanctioned BDT 40,731,600.00 for this programme.

Article 10

Recognition of Family in law

138. The GoB recognizes family as the fundamental unit of society. The Constitution of Bangladesh allows affirmative action in favour of women and children.

139. Bangladesh is party to the Convention on the Consent to Marriage, Minimum Age for Marriage and Registration of Marriage, 1962. In addition, Bangladesh ratified the Convention on the Rights of the Child, 1989.

140. The GoB has enacted a number of personal laws on family matters like marriage, responsibilities of conjugal life, maintenance, restitution of conjugal life, dissolution of marriage etc.

Provision of marriage with free consent

141. In Bangladesh, the right to marriage is governed by both personal laws and statutory laws. Statutory laws mostly apply in cases where the parties to a marriage profess different religions.

142. According to Islamic law, marriage is a civil contract between men and women of marriageable age as prescribed by the law. Under Muslim law if any adult sane person does not consent to marriage or the consent is obtained by coercion or fraud, there will be no marriage at all.[83] In Bangladesh, a Muslim marriage has to be registered.[84] Offer and acceptance in front of the adult and sane witnesses are the pre-requisite of a Muslim marriage in Bangladesh.

143. According to the Christian Marriage Act, 1872; marriage between the Christians can only be solemnized after a notice in writing to the Minister of Religion/Registrar and submission of a declaration of belief and before at least two witnesses. Registration of Christian marriage is compulsory.[85]

144. Among the Hindus, marriage is governed by the Hindu personal law. However, the Hindu Widows Re-Marriage Act, 1856 provides that no marriage contracted between Hindus will be invalid and the issue of no such marriage will be illegitimate only because the woman had been previously married or betrothed to another person who was dead at the time of such marriage.[86] The Hindu Marriage Registration Act, 2012 has made provisions for registration of Hindu marriages, albeit on optional basis.

145. In Bangladesh, marriage between persons professing different religions (interfaith marriage) is permissible in law. The Special Marriage Act, 1872 provides that marriages may be solemnized under this law between persons of different religious faiths.[87] Under the Special Marriage Act, 1872, marriage may be solemnized between persons either of whom may be a Hindu, Sikh, Buddhist or Jain, or a person who does not profess the Christian, Hindu, Muslim, Jewish, Buddhist, Sikh or Jain faiths.

Minimum Age for Marriage

146. The minimum marriageable age for men and women in Bangladesh is 21 years and 18 years respectively according to the Child Marriage Restraint Act, 2017. The Child Marriage Restraint Act, 2017 provides punishment for any person who, being an adult male or female, contracts a child marriage.[88]

Prevention of Early Marriage

147. In order to implement the provisions restraining the early marriage effectively, the GoB has adopted the Birth and Death Registration Act 2004. The Act provides for universal "birth registration" which is playing an important role to prevent the practice of child marriage through providing the proof of the age of parties to the marriage.

148. The MoWCA is implementing a number of programmes relating to prevent child marriage. National Toll Free Helpline 109 is also playing a significant role to stop child marriage. More than 900 child marriages could be prevented through this helpline.

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[83] *Dr. A.L.M. Abdullah v. Rokeya Khatoon and Another*, [1969] 21 DLR 213.
[84] The Muslim Marriages and Divorces (Registration) Act, 1974, s. 3.
[85] The Christian Marriage Act, 1872, s. 27.
[86] The Hindu Widows Re-Marriage Act, 1856, s. 1.
[87] The Special Marriage Act, 1872, s. 2.
[88] The Child Marriage Restraint Act, 2017, s. 7 (1).

Prevention of Forced Marriage

149. Forced marriage is prohibited under the penal laws of Bangladesh and has been made punishable. According to section 366 of the Penal Code 1860 forced marriage by way of kidnapping or abduction and the guilty person is subject to the punishment of imprisonment of either description for a term which may extend to ten years, and also with fine.

150. The National Children Policy, 2011 recognizes adolescent person's right to protection against violence and unlawful marriage. The GoB is currently providing stipends to all girls and subsidies to the poor girls to prevent dropping out of school and early marriage. The scholarship programme for general education reserves 40 percent scholarships for girls. The GoB, with the help of development partners has undertaken the task of formulating a national programme to eliminate child marriage in Bangladesh.

Prevention of Polygamy

151. In Bangladesh polygamy is prohibited without the prior permission of the existing wife. Furthermore, unauthorized polygamy is a punishable offence under the Muslim Family Laws Ordinance, 1961. According to section 6 of the Muslim Family Laws Ordinance, 1961; no man, during continuance of an existing marriage, shall, except with the previous permission in writing of the Arbitration Council, contract another marriage, nor shall any such marriage contracted without such permission be registered under the Muslim Marriages and Divorces (Registration) Act, 1974.

Assistance to Mother During & After Childbirth

152. Since independence, the GoB has adopted different policies, plans, strategies to improve maternal and neonatal health care. The Directorate General of Family Planning has been providing health facilities to the mothers and their children since 1975 including emergency obstetric care services, antenatal care, safe delivery, postnatal care and other related services in addition to newborn and child health services.

153. In private service sector, employers are legally responsible for providing maternity benefits to every female employee who has completed at least six months of service by the date of confinement.[89] The benefit consists of a payment equivalent to current wages for eight weeks before and eight weeks after the birth of the child.

Special Measures In Favor Of Children And Young Persons

154. The Constitution of Bangladesh emphasizes advancement of children and obliges the State to take affirmative actions in this regard. Moreover, Bangladesh is a signatory to the Convention on the Rights of the Child, 1989.

Orphans & Destitute Children

155. The Department of Social Services (DSS) has established 6 Baby Homes in 6 divisions of the country for unclaimed and abandoned babies up to 6 years of age. Food, care, protection, education and nursing facilities are provided to the child residents. The Baby Home Authority tries to find out the relatives of the baby and maintains a case history along with the source as to how the baby has been received. When the baby reaches 6 years of age, it is then transferred to the State Children Family where he/she stays up to the age of 18. So far, 1037 babies have been rehabilitated through these facilities.

156. There are 85 "State Children Family" in the country with a capacity for 10,300 children. The main objective of the State Children Family is to provide care and protection for children without family so as to allow them to grow up as normal citizens. The provisions and facilities being provided include food, lodging, maintenance, general education, religious and moral teaching, sports and recreation, Medicare, vocational training and rehabilitation. A total of 51,342 such children have been rehabilitated through this programme.

[89] *Supra* note 26, s. 46.

157. Under the Child Welfare and Development Programme, the DSS established three institutions to provide training and rehabilitation services to the destitute children. Destitute and street children who are admitted to these centres are provided with formal education and vocational training and counselling with a view to rehabilitating them into the society. So far, 3,141 children have been rehabilitated through this programme.

158. With a view to addressing the problem of the socially disadvantaged girl children (e.g. sex workers), the MoSW initiated a programme titled "Training and Rehabilitation Centre for the Socially Disadvantaged Girls" by establishing six centres in six divisions.

Victims of Crimes

159. In Bangladesh, a number of laws such as the Prevention and Suppression of Human Trafficking Act, 2012;[90] the Narcotics Control Act, 1990;[91] the Prevention of Cruelty to Women and Children Act, 2000;[92] the Prevention and Suppression of Human Trafficking Act, 2012; and the Domestic Violence (Prevention and Protection) Act, 2010[93] address measures to be taken for physical and psychological Recovery, and for rehabilitation & social reintegration of child victims.

160. The statistics of victims rescued and apprehension of traffickers by Border Guard Bangladesh (BGB) from January 2012 to December 2016 are given below:

	Number of Rescued and Recovered			
Year	*Women*	*Children*	*No. of Arrested Traffickers*	*No. of Case Filed*
2012	301	104	10	151
2013	736	186	16	415
2014	852	317	26	367
2015	385	147	10	167
2016	198	81	05	86

Children in Conflict with Law

161. Bangladesh has enacted the Children Act, 2013 in line with the UN Convention on the Rights of the Child, 1989 for, inter alia, governing matters relating to children in conflict or in contact with law.[94]

Disabled Children

162. The Rights and Protection of the Persons with Disabilities Act, 2013 ("the Disabilities Act") was enacted to strengthen protection of the rights of persons who are physically or mentally disabled. The Disabilities Act provides for registration of a person with legally recognized disabilities as a disabled person,[95] reservation of a seat for disabled persons in public transport,[96] prevention of discrimination as regards admission to educational institution on grounds of disability,[97] accessibility of disabled person to public places,[98] and prohibition of any kind of discrimination on grounds of disability by any authority, institution as regards their rights.[99]

[90] The Prevention and Suppression of Human Trafficking Act, 2012, s. 32.
[91] The Narcotics Control Act, 1990, s. 16.
[92] The Prevention of Cruelty to Women and Children Act, 2000, s. 31.
[93] The Domestic Violence (Prevention and Protection) Act, 2010, s. 17.
[94] The Children Act, 2013, s. 54 (1).
[95] The Rights and Protection of the Persons with Disabilities Act, 2013, s. 31.
[96] *Ibid*, s. 32.
[97] *Ibid*, s. 33.
[98] *Ibid*, s. 34.
[99] *Ibid*, ss. 35-36.

Protection against Economic And Social Exploitation

163. The Constitution provides that one of the fundamental objectives of the GoB would be to ensure a society free from exploitation for all citizens.[100] The Constitution further envisages that the economic system of the country will be free from exploitation[101] and makes it a fundamental obligation of the government to emancipate peasants, workers and backward sections of society.[102]

Minimum Age for Employment of Children

164. The Labour Act, 2006 provides that employment of children below the age of 14 is prohibited, and that the minimum age for admission to employment is 14. However, as a matter of exception, the Labour Act, 2006 provides that a child who has completed 12 years of age will be engaged in such type of works as not to interfere with the child's education.[103]

Measures to Prevent Child Labour

165. Bangladesh signed the Worst Forms of Child Labour Convention, 1999 (ILO Convention No. 182). The GoB has taken numerous steps to reduce child labour in Bangladesh. The GoB has ascertained that certain sectors, such as ready-made garments, are free from child labour. In a report published by Centre for Services and Information on Disability (CSID) supported by Save the Children, a sharp decline has been evidenced at child labour scenario between the years 2005 to 2015. Initially there was 4.91 million child labour which has been reduced to 2.48 million in 2015. The GoB has undertaken several projects for total elimination of child labour from the country.

Measure against Hazardous Work

166. The Labour Act, 2006 also provides that no child worker should be appointed to do hazardous work and also operate machines unless they have been informed of the safety measure, danger of the machine or given training for that purpose.

Measure against Child Prostitution

167. The Prevention and Suppression of Human Trafficking Act, 2012 provides punishment for trafficking in girl child with the intention of engaging her in prostitution. According to section 11 of the aforesaid Act, if any person brings any other person into Bangladesh or transfers the person inside the territory of Bangladesh with a view to engaging in prostitution shall be punished with rigorous imprisonment and also with fine.

Article 11

Right to Adequate Standard of Living

168. The Constitution of Bangladesh requires the GoB to ensure people's access to basic necessities including food, clothing, shelter, and medical care.[104] The GoB is also constitutionally obliged to regard raising of the level of nutrition and improvement of public health as among its primary duties.[105]

Food

169. At present, Bangladesh can be said self-sufficient in food production. During the past several years, there has been a remarkable increase in food production. Bangladesh ranks 4th among the top paddy producing countries. Production of rice, wheat and maize

[100] *Supra* note 1, Preamble.
[101] *Ibid*, art. 10.
[102] *Ibid*, art. 14.
[103] *Supra* note 26, s. 44.
[104] *Supra* note 1, art. 15(a).
[105] *Ibid*, art. 18.

per hectare land has surpassed the global average growth. Bangladesh is now an example for multiple cropping.

Calorie Consumption

170. HIES 2010 shows that per capita daily calorie intake at national level has significantly increased from 2,238.5 kcal in 2005 to 2,318.3 kcal in 2010 — which attests to a reversing the declining trend reported in previous surveys. According to the "State of Food Insecurity (SOFI) 2014" 7 jointly prepared by the FAO, IFAD and WFP, Bangladesh has reduced 27.3 percent of the number of people undernourished within 1990-92 to 2012-14 (from 36 million in 1990-92 to 26.2 million in 2012-14) and as per the UN estimates, proportion of population below minimum level of dietary energy consumption has reduced from 32.8 percent in 1991 to 16.4 percent in 2015.

Food Grains

171. According to the latest available estimate of BBS, the volume of food grains production in FY 2015-16 stood at 38.693 million MT. The table below shows the food grains production status during the period from FY 2009-10 to FY 2015-16 (MoF, 2016).

Food Grains Production *(In million MT)*

Food grains	*2009-10*	*2010-11*	*2011-12*	*2012-13*	*2013-14*	*2014-15*	*2015-16*
Total (Rice, Wheat & Maize)	**35.812**	**36.065**	**36.839**	**37.266**	**38.174**	**38.419**	**38.693**

Source: (MoF, 2016).

172. The country stands well above its annual food grain consumption requirement of less than 33.0 million tonnes. The resultant effect is that Bangladesh exported 50,000 tonnes of rice to Sri Lanka in 2014.

Fish & Livestock

173. The GoB adopted the National Livestock Development Policy, 2007 and the National Poultry Development Policy, 2008 with a view to developing livestock sector of the country. According to Department of Fisheries (DoF), fish production reached the highest ever 3.55 million tonnes in 2014. Poultry sector production increased by 15 percent approximately in 2014 compared to that of in 2013.

174. According to 2014 report of the UN's Food and Agricultural Organization (FAO), Bangladesh presently ranks 4th in producing freshwater fish. During 2013-14 fiscal year, the country produced approximately 3.46 million tonnes of fish, of which about 2 million tonnes were farmed. Due to a number of incentives for the protection of *Hilsas* pawns, production of the country's most popular fish *Hilsa* has gone up from 52,000 tonnes to 3,50,000 tonnes.

175. Over the past 10 years, there has been a hundred percent increase in per capita consumption of fish. Fish exports have gone up by 135 percent. During 2013-14, Bangladesh's export earnings from frozen fish went up by 17.35 percent to US$ 532.1 million. FAO envisages that Bangladesh will be the first among the four countries (the other countries being Thailand, India and China) to achieve great success in fish production by 2022. According to FAO, Bangladesh ranks 25th in global standing for catching sea fish.

Water

176. In Bangladesh, ownership of surface and groundwater lies with the State. The GoB promulgated the National Water Policy (NWPo) in 1999. The other policies that are relevant to water sector include the National Environment Policy, 1992; the National Forestry Policy, 1994; the National Energy Policy, 1996; the National Policy for Safe Water Supply and Sanitation, 1998; the National Fisheries Policy, 1998; the National Agriculture Policy, 1999 and the Industrial Policy; 1999.

177. The GoB has formally acknowledged the right to water in national legislation. The Bangladesh Water Act, 2013 provides for coordinated development, management, exploration, distribution, use, and protection of water resources. The purpose of this Act is to give effect to the Bangladesh Water Policy for integrated management, development, utilization and protection of the water resources. Prior to that, the National Water Management Plan for Bangladesh (NWMPM) was adopted in 2001. Moreover, the GoB has also adopted the National Policy for Safe Water and Sanitation, 1998 which aims for facilitating access of all citizens to basic level of water supply and sanitation services.

178. The GoB regards access to safe drinking water as a basic human right. In order to ensure access to safe water equitably and without discrimination, the GoB adopted the Pro-Poor Strategy for Water Supply and Sanitation in Bangladesh, 2005. The strategy emphasizes that the community, irrespective of whether the beneficiary household is poor, hardcore poor or non-poor, is required to contribute 10 percent of the capital cost of water supply projects as the "beneficiary's share".

179. Besides, the GoB has adopted the National Strategy for Water Supply and Sanitation, 2014. The Strategy aims for reducing inequalities in services, ensure services to all including vulnerable people and promote establishing the rights, ownership and dignity of the users. On the other hand, the National Policy for Arsenic Mitigation, 2004 recommends for using appropriate alternative and affordable technologies, as shallow tube wells can no longer provide safe water for drinking and cooking in arsenic affected areas.

Clothing

180. The Constitution recognizes clothing as one among the basic necessities of life.[159] The Ministry of Textiles and Jute oversees the textile, silk and jute industries of the country. The annual combined demand for fabric from the domestic market and the export-oriented garment sector is around 11,400 million metres, of which about 7,000 million metres, is met locally.

181. The GoB has drafted the Textile Policy, 2014 with a view to raising the domestic production up to 14,036 metres by 2019-2020 — which is double the existing local textile production. As per the draft Policy, the fast-growing local textile sector is expected to flourish with the creation of more skilled workforce, high value-added products through research and use of modern technology.

Housing

182. The Constitution recognizes the right to shelter as one of the basic necessities. In addition, Bangladesh is a party to several international instruments that affirm the right to habitation and housing for everyone. The GoB is committed to achieve the national goals of vision 2021, which includes housing for all by 2021.

183. The GoB adopted the National Housing Policy, 1993. The Policy recognises housing as one of the three basic primary needs of humankind. The National Housing Policy provides that the State should avoid forcible relocation for displacement of slum dwellers as far as possible. In the light of the National Housing Policy, the National Housing Authority Act, 2000 has been enacted. The National Housing Authority (NHA has undertaken 55 projects across the country, particularly for the poor, the low and the middle-income group of people.

Rural Electrification

184. Rural Electrification Board was established in 1976. Over the last three decades, the Rural Electrification (RE) was implemented in about 465 Upazilas of the country which makes it a core development programme. Today, there are 80 rural electricity cooperatives called *Palli Bidyuit Samity* (PBS) in Bangladesh. At present, 66,555 villages have been brought under electrification covering 184 million households, establishments, industries and irrigation. So far, 100 percent electrification has been achieved in 25 Upazilas.

[159] *Ibid*, art. 15 (a).

185. RE has been providing huge impetus in the economy of rural areas. RE covers about 83 percent irrigation pumps of the country. Industrial sector is the second highest consumer of rural electricity using about 60 percent of the total energy consumption. Literacy rate in the rural areas has increased significantly due to rural electrification.

International Co-Operation

186. Bangladesh became a member of United Nations Food and Agricultural Organization (FAO) on 12 November 1973. Since then, Bangladesh and FAO have been working together in the areas of agriculture, food, forestry, fisheries, livestock and rural development. These efforts were further strengthened with the establishment of the FAO representative office at Dhaka in 1978.FAO is helping Bangladesh to improve agricultural production in Bangladesh through its technical support programmes, knowledge transfer, industrial transformation as well as formulate policies to ensure food security.

Improvement of Living Conditions

187. The Constitution of Bangladesh enjoins on the GoB to attain a steady improvement in the material and cultural standard of living of the people through planned economic growth.[107] The Constitution also mandates the GoB to adopt effective measures to progressively remove disparity in the standards of living between the urban and the rural areas.[108]

National Poverty Line

188. Bangladesh assesses its national poverty line on the basis of Household Income and Expenditure Survey (HIES) conducted by Bangladesh Bureau of Statistics (BBS). According to the latest HIES 2010 data, the incidence of poverty has declined, on an average, 1.74 percentage points during 2000-2010 against the MDG target of 1.20 percentage points in each year. The estimated poverty headcount ratio for 2015 is 24.8 percent. Bangladesh has already met one of the indicators of target-1 by bringing down the poverty gap ratio to 6.5, against the MDG target of 8.0 in 2015. The MDG target of halving the population living under the poverty line (from 56.7 percent to 29 percent) had been achieved by 2012.

189. The sustained growth rate of GDP in excess of 6 percent in the recent years has played a positive role in reduction of poverty. This growth has been accompanied by corresponding improvements in several social indicators such as increased life expectancy and lower fertility rate. The inclusive growth has resulted in significant poverty reduction from 56.7 percent, in 1991-92 to 23.2 percent in April-June, 2016 and Extreme poverty exchange from 41.1 in 1991-92 to 12.9 in April to June, 2016.

National Action Plan to Combat Poverty

190. The GoB has put special emphasis on alleviation of poverty. Following the adoption of various programmes during 1996-2001, the yearly average rate of poverty reduction increased from 0.5 to 1.5 while human poverty index went down to 31.5 from 41.6. The GoB aims at reducing poverty rate to 22 and 15 by 2015 and 2021 respectively.

191. In recognition of the long-term development challenges, the GoB adopted the Perspective Plan of Bangladesh (2010-2021): Making Vision 2021 a Reality ("Vision 2021"). Specific strategies to achieve Vision 2021 have been set out in two five-year plans: Sixth Five Year Plan (2011-2015) and the Seventh Five Year Plan (2016-2020).

Initiatives for Poverty Alleviation

192. In order to strengthen the poverty alleviation endeavours, the GoB increased the allocation for social safety-net (food) programmes as an immediate response under an incentive package in FY 2008-09. The GoB increased the allocation gradually each year. In

[107] *Ibid*, art. 15 (a)
[108] *Ibid*, art. 16.

latest 2017-18 budget, BDT 244890.0 million has been allocated for social safety net programmes. The GoB has increased flow of micro-credit and investment fund to various NGO's. Likewise, allowance for children living in government *Shishu Paribar* and other residential children homes has been increased to BDT 229 million from BDT 217 million, ration for the families of martyred and insolvent freedom fighters increased to BDT 270 million from BDT 134 million. Besides, block allocation for disaster grant was also increased to BDT 1000 million from BDT 850 million.

193. Some of the key initiatives taken by GoB are displayed on the following table:

Programme	*Objective*	*Allocation*	*Beneficiaries*
The Food for Works Programme	Rural Infrastructure Renovation	354 hundred thousand metric tonnes food grain (worth BDT 8.9079 billion)	
Vulnerable Group Feeding (VGF)	-	BDT 12391.9 million (FY 2014-15)	2.10 million
Vulnerable Group Development (VGD)	-	BDT 10.37million (FY 2015-16)	10,00,000 distressed and ultra-poor women
Employment Generation Programme for the Ultra-Poor	Employment Generation	BDT 10,000 million (FY 2011-12)	
Ashrayan (Poverty Alleviation and Rehabilitation) Project	Housing for landless, homeless families	BDT 11000 Million	55,000 families (target 2,50,000 by 2019)
Ek Bari Ek Khamar (One House, One Farm)	Turn each house a center of economic activities and Ensure agro-based livelihood and family farming	BDT 310.50 Million (US$ 400 million)	40,527 villages.
Economic Empowerment of the Poorest (EEP) project	help 1 million people in remote and disaster prone areas to lift themselves out of extreme poverty and achieve sustainable livelihood by 2015	BDT. 8871.9 Million	91000 families in Haor, Char, Water logged, Cyclone prone and Hill tracts areas.

194. In addition to the aforementioned projects, *Karmasangsthan Bank*, a state-owned financial institution, provides credit facilities on easy terms to the unemployed youth especially to the educated ones in order to create self-employment opportunities. Since its beginning, the bank has disbursed an amount of BDT 11387.1 million as loan to as many as 214067 borrowers and created employment opportunities for 772,782 beneficiaries up to 30 June2011. Similarly, with the aim of making rural destitute women self-reliant, credit is being provided at a rate of BDT 10,000-15,000 with 5 percent service charge through Department of Women Affairs and *Jatio Mohila Shangstha*. Since FY 2002-03 to FY 2014-15 BDT 602.5 million allocated as government loan. The amount as cumulative fund has increased to BDT 1426.3 million which was distributed as micro-credit among 1,48,487 women.

195. *Palli Daridro Bimochon Foundation* (PDBF) organises the rural poor, disburses loan among them and also provides skill development, leadership and social development training with a view to uplifting their socio-economic condition. Currently PDBF is working in 253 Upazilas of 33 districts which covers 1/3 of the geographical area of the country infested with the highest incidence of rural poverty. About 95 percent of the beneficiaries of PDBF are women. The Foundation has disbursed an amount of BDT 40.36 billion as micro credit as of January, 2011. Self-employment opportunities have been created for about 700,000 rural people through credit facility and about 3.5 million people have benefitted from these endeavours.

196. Bangladesh Rural Development Board (BRDB) is mandated to organize programmes for rural development and poverty alleviation through a two-tier cooperative system (TCCA, KSS). The ongoing poverty alleviation programmes of BRDB are: (1) Rural Livelihood Project (RLP); (2) Rural Poverty Alleviation Programme (RPAP); (3) Productive Employment Programme (PEP); (4) *Palli Progati Prokolpo*; (5) Expansion, Renovation and Modernisation of Bangabandhu Poverty Alleviation Training Complex; (6) *Kotalipara* Development Programme; (7) Participatory Rural Development Project-2 (PRDP-2); (8) Women Development (W/D) Programme; (9) Revolving Agricultural Credit Programme; and (10) Employment Guarantee Scheme for the Hard Core poor of the Northern Region.

197. In order to advance the socio-economic condition of small farmers and landless families, Bangladesh Academy for Rural Development (BARD), Comilla started implementing a project called, "Small Farmers and Landless Laboures Development" in 1975-76. In 2004, the project has been transformed into Small Farmers Development Foundation (SFDF). The activities of SFDF cover 55 Upazilas of Comilla, Chandpur, Mymensingh, Bogra, Pabna, Rangpur, Kurigram, Barisal, Bhola, Patuakhali & Barguna districts. Up to June 2011, a total of 51113 members enrolled in SFDF of which 50percent of the total beneficiaries are women. An amount of BDT 888.26 million (cumulative) has been disbursed as collateral free micro credit for undertaking production, self-employment and income generating activities.

Right to be Free from Hunger

198. Bangladesh ranks 90th according to Global Hunger Index (GHI) 2016. A comparison of indicators from 1990 to 2016 testifies steady progress along with some other developing countries. Bangladesh's score was 36.6 in 1990, which has improved to 34.4 in 1995 and finally 27.1 in 2016.

Ensuring Food Availability

199. The GoB operates a number of social safety net programmes for ensuring food availability for the poor and vulnerable section of the society. So far, there are approximately 27 food security and social safety net programmes in Bangladesh and currently nearly 2.2 percent of the GDP are allocated for this purpose. The safety net programmes include Test Relief, Open Market Sale (OMS), KABIKHA, Vulnerable Group Feeding, Integrated Food Security (IFS), Vulnerable Group Development (VGD), Food-For-Work and Cash/Food-For- Education, allowance for destitute women etc.

200. In order to ensure food availability for the low-income people, the GoB distributed more than 1.5 million metric tonnes of food grains under the OMS programme in the last five years (2011-12 to 2015-16). Additionally, 348,135 metric tonnes of food grains were distributed among 7.7 million easy-card holder families and another 71,236 metric tonnes were distributed at a low price among the fourth class employees and village polices. More than 5.4 million metric tonnes of food grains were distributed under several social safety net programmes like food for work (FFW), VGF and VGD.

201. In addition to the above, "Khaddya Bandhob Kormosuchi" (Pro-Food Progamme) has been introduced since September, 2016 for the rural ultra-poor people of the country. Under this programme, rice is sold at a nominal price (BDT 10 per kg) to the poorest section of people. Approximately, five million ultra-poor rural families are beneficiaries of this programme. Each family is entitled to buy up to 30 kg of rice at a subsidized rate each

month during March-April to September-November in a year. Under this programme about 0.70 million MT of rice has been distributed during FY 2016-17.

Improving Methods of Production

202. Over the decades, the GoB took a number of initiatives to improve methods of production of food grains. As a result, the production of food grains rose to 38.82 million tonnes in 2015-2016.

Mechanized Cultivation

203. The National Agricultural Policy, 2013 underscores the importance of agricultural mechanization for improvement of productivity. In order to facilitate multiple cropping, efficient use of resources and reduce production cost, the GoB is encouraging mechanized cultivation so as to replace the manual one.

204. In order to intensify crop production, the GoB has launched "Enhancement of Crop Production through Farm Mechanization Project". The main objectives of the project include supply of about 38,200 farm machineries among the farmers along with 50-70 percent development assistance, imparting technical training to 1800 rural mechanics, organizing one national and fifteen regional workshops, and setting up a testing laboratory to examine quality of farm machinery. The project facilitated supply of modern agricultural machineries, i.e., power tillers, power threshers, combine harvesters, crop reapers, seeders and other machineries to the farmers. With the allocation of BDT 1.49 billion, the first phase of the project commenced in 2010, covering a total of 25 districts. The Executive Committee of the National Economic Council (ECNEC) has already approved second revision of the project by allocating BDT 3.39 billion.

205. For the purpose of introducing extensive use of a variety of farm equipment including the irrigation equipment for improved water management practices, the Department of Agricultural Extension ((DAE) implemented a project, namely, "Enhancement of Agricultural Production and Rural Employments through Extension of Agricultural Engineering Technologies Project (AETEP)" from July 2005 to June 2011. The objective of the project was to reduce production cost, increase production, and create self-employment opportunities for the rural farm families.

206. The DAE is currently running a number of projects aiming for improvement of mechanized cultivation. Among them, the most notable are; National Agricultural Technology Programme- Phase II (October, 2015-September, 2021), Enhancement of Crop Production through Farm Mechanization Project-Phase II (July, 2013-June 2018), training of farmers at the Upazila Level for Transfer of Technology Phase-II project (July, 2011-June, 20108). Moreover, the DAE trained 1.283 million farmers in 2012-2013 compared to 1.278 million in 2011-12. The highest number of farmers receiving training from DAE was 1.334 million in the year 2009-10.

Fertilizer

207. In order to ensure availability of fertilizer at an affordable price and to develop the fertilizer management system, the GoB has adopted the Fertilizer Dealer Appointment & Distribution Policy, 2009. As per the Policy, a total number of 34,000 retail fertilizer dealers have been appointed throughout the country with a view to ensuring timely and uninterrupted distribution of quality fertilizer among the farmers at a subsidized price.

Agricultural Credit

208. During FY 2015-16, approximately BDT 176.46 billion has been disbursed as agriculture and rural credit against a target of BDT 164.00 billion through state-owned commercial banks as well as specialized, private and foreign commercial banks.

Irrigation Facilities

209. The GoB has introduced rubber dam projects for small and medium rivers for making available surface water. Introduction of solar-power operated water pump, removal

of water logging, re-excavation of canal, construction of surface & underground irrigation channel, embankment & irrigation structure, installation of power-pump, Deep Tube Well (DTW), construction of Jhiribadh (in hilly areas) & artesian wells are being implemented by the GoB. In addition, farmers are being made familiar with Technology of Alternate Wetting and Drying (AWD).

Food Storage & Conservation Facility

210. In the FY 2015-16, public food storage capacity stood at around 2.4 million MT, whereas the food storage capacity was 2.09 million MT in the previous year (MoF, 2016). The GoB has received an IDA credit for financing the Modern Food Storage Facilities Project (MFSP).

Reform of Agrarian System

211. The Sixth Five Year Plan: 2011-2015(FYP) prioritized importance of research and extension for agricultural intensification, diversification and resilience to climate change. Since 2009-10, the GoB developed 23 new rice varieties. Of them, the important ones are — saline tolerant rice variety: BRRI Dhan-61, the world's first zinc-enriched rice variety: BRRI Dhan-62, submergence tolerant varieties: BINA Dhan-11 and 12, water logging resistant varieties: BINA Dhan-14, BINA Dhan-13, three new stress tolerant rice varieties: BRRI Dhan-55, 56 and 57, one short duration variety: BRRI Dhan-58 etc.

212. The National Agricultural Policy, 2013 (NAP) emphasizes development of agricultural marketing system through improvement of infrastructure and establishing uninterrupted value chain between producers and consumers. The NAP also recommends establishing local level storage facilities and agro-processing industries. The NAP underlines importance of woman's participation in agricultural, particularly in homestead gardening, seed production, bee rearing, food processing and storage etc. It also recommends elimination of wage discrimination between men and women in agriculture. The NAP highlights the need for use of Information and Communications Technology (ICT) in agriculture. To ensure farm level supply of quality seeds, the NAP encourages participation of private sector along with public sector in seed production and marketing, use of organic fertilizers and Integrated Pest Management (IPM) technology.

Vision for future

213. The GoB envisions that the country will attain overall self-sufficiency in food production so as to eliminate food deficiency decisively by 2021.

Article 12

Right to Health in Bangladesh

214. The Constitution of Bangladesh recognizes medical care as a basic necessity. The Constitution makes it a fundamental responsibility of the government to secure the provisions of basic necessities which also include medical care for the citizens.[109] The Constitution provides that it shall be the duty of the State to take measures to raise the level of nutrition and improve public health.[110] In order to ensure public health and morality the Constitution obliges the GoB to adopt effective measures to prevent the consumption, except for medical purposes or for such other purposes as may be prescribed by law, of alcoholic and other intoxicating drinks and drugs which are injurious to health.[111]

215. In addition, Bangladesh is a signatory the 1978 Declaration of Alma-Ata[112] which called for implementation of a primary health care approach as the key to achieving "health

[109] *Supra* note 1, art. 15 (1).
[110] *Ibid*, art. 18 (1).
[111] *Ibid*.
[112] Adopted at the International Conference of Primary Health Care (PHC), 6-12 September 1978.

for all". Moreover, Bangladesh is on track in meeting its Millennium Development Goal nos. 4, 5 & 6 relating to right to health.[113]

National Health Policy

216. The National Health Policy, adopted in 2011, aims for three main objectives-firstly, to ensure the primary health care and emergency health facility to all; secondly, to increase and expand the standard health facility on equitable basis; and thirdly, to encourage and make people aware of prevention of disease and limiting it.[114] The policy envisages a countrywide structure of providing health service to the remote corner of the country.

Budgetary Allocation for Health System in Bangladesh

217. During FY 2017-18, the GoB has allocated a total budgetary allocation of BDT 206.52 Billion (US$ 2581.5 Million) in health, nutrition and population sector.[115] Over the last 5 years, the national budget increased on an average by 16 percent each year, health sector budget also increased at the same rate. Health budget in FY 2016-17 increased by a margin of more than 100 percent compared to that of FY 2011-12. In order to increase the efficiency in budget management and co-ordination among different wings of the Ministry of Health and Family Welfare, the GoB has formed the Budget Management Committee (BMC) and the Budget Working Group (BWG).[116]

218. The GoB has formulated the Health Care Financing Strategy 2012-2032 which aims for ensuring equitable distribution of the health financing, improving access to essential health services, and reducing the incidence of impoverishment due to health care expenditures and improving quality and efficiency of service delivery. Moreover, the GoB maintains a National Health Accounts (NHA) which is a substantive policy instrument to decide the distribution of societal resources for health care.

Public Health System In Bangladesh

219. The Ministry of Health and Family Welfare (MHFW) is the principal functionary of the GOB for policymaking as well as overseeing public health and nutrition situation in the country.

220. The health services are provided through a multifaceted system such as, ward level EPI outreach centre and satellite clinic/community clinic (lowest administrative units having a population of around 25,000 people); Union level health and family welfare centres; *Thana/Upazila* level health complex providing Primary Health Care(PHC) and some referral services; district level providing both primary and tertiary care through district hospitals; and medical college hospitals in divisional cities and a few district towns providing tertiary as well as primary care.

221. At the community level, 13,336 functional community clinics have been established to provide affordable health care (Directorate General of Health Services, 2016). The population coverage of the health service provided by each of these clinics extends to about 8000 people. The GoB has also established 4461 Union Health and Family Welfare Centres (UHFWC). In the Upazila level, the GoB has established 424 Upazila Health Complex, 60 Sadar Upazila Health Offices, five 31-Bed Hospital and two 30-bed hospitals (DGHS, 2016). The Upazila Health Complexes are treating about 200 patients per day per hospital (DGHS 2016) with population coverage of 100,000 people. In the District level, the GoB has established 64 Hospitals, each of which deals with 600 cases per day per hospital (DGHS 2016). Moreover, the GoB has established 34 tertiary hospitals in different places of the country, including medical college hospitals which serve on an average 1700 patients daily (DGHS, 2016).[117]

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[113] Bangladesh Millennium Development Goal Progress Report, 2015, p. 10.

[114] The Bangladesh National Health Policy, 2011.

[115] Ministry of Finance, Budget in brief, 2017-18.

[116] *Ibid.*

[117] Ministry of Health and Family Welfare, Annual Report 2014-2015.

Human Resource in the Health Sector

222. In order to address human resource issues, the GoB has adopted Health, Population and Nutrition Sector Development Programme (HPNSDP) (2011-2016), the HPNSDP Programme Implementation Plan (PIP) (2011-2016), and the Health Policy, 2011. The purpose of the said HPNSDP Strategy and Implementation plans is to improve recruitment of health workforce; management of existing workforce; quality of health education and training etc. The GoB has established a separate Human Resource Management Unit (HRMU) under the Ministry of Health and Family Welfare for conducting research on important policy and strategic matters as per the demand of the Ministry of Health and Family Welfare.

223. The table below presents a picture of the present state of human resource in the health and family planning sector of Bangladesh.

SL. No.	*Human Resource*	*Total Number*
01	Registered Graduate Doctors	514 75
02	Doctors currently available in the country	921 61
03	Doctors under the Ministry of Health and Family Welfare	207 25
04	Doctors under the Other Ministries	858 1
05	Doctors in the Private Sector	856 34
06	Registered Dental Surgeon	360 6
07	Registered Nurses	452 38
08	Medical Technologist	
	(a) Laboratory	498 1
	(b) Radiology and Imaging	629
	(c) Radiotehrapy	41
	(d) Physiotherapy	144
	(e) Dental	501
	(f) Sanitary Inspector	436
09	Registered Diploma Farmacist	000 11
10	Sub- Assistant Community Medical Officer)SACMO)	330 7
11	Health Assistant	532 17
12	Health Inspector	245 1
13	Assistant Health Inspector	803 3
14	Upazila Family Welfare Officer	366
15	Assistant Upazila Family Welfare Officer	330
16	Family Welfare Inspector)Female(	898 4
17	Family Planning Inspector	752 3
18	Family Welfare Assistant	083 21
19	Community Health Care Provider	141 13

Source: HR Data Sheet, 2014.

Measures to ensure physical and mental health of the citizens

224. The MOHFW's development activities are implemented mainly by a programme worth US$ 14.71 million called, the 4th Health, Population and Nutrition Programme (4th HPNSP: 2017-2022), which is guided by Bangladesh's Vision 2021 (transforming the country from a developing into a middle-income country). In line with the sustainable development goals (SDGs), the 4th HPNSP incorporates strategies and activities for improvements in increasing access to *quality* health care and financial protection for realizing the objectives of Universal Health Coverage (UHC) by 2030. The 4th HPNSP is considered as the first of three 5-year Programmes contributing to gradual shift towards

UHC. The 4th HPNSP is premised on three underlying principles viz., (i) all citizens have access to high *quality* services whether these are obtained from the public or private, modern or alternate medical providers; (ii) all citizens are treated equally and no one is left behind; and (iii) reducing wastage and maximizing the impact of all available resources.

225. The *4th HPNSP* budget estimate is as follows:

Total Estimated Cost		*(US$ 14.7 billion)*
Revenue Budget	=	US$ 9.17 billion
Development Budget	=	US$ 5.54 billion
GOB Contribution	=	US$ 12.31 billion
DP Contribution	=	US$ 2.4 billion

Access to Primary Health Care

226. In Bangladesh, primary health care (PHC) Programmes first began in 1980 following a pilot project in 6 Upazilas. Since its beginning, PHC services have been rendered in Bangladesh in 8 areas: health education, nutrition, adequate and safe water and sanitation, maternal and child health, immunization, prevention and control of endemic diseases, treatment of common ailments and injuries and provision of essential drugs.

227. In the Health and Population Sector Programme (HPSP), these services were remodeled as the Essential Service Package (ESP) with prioritization of some of the PHC activities. The redesigned PHC approach includes: (a) Child health care, safe motherhood, family planning, MR, post abortion care, and management of sexually transmitted infections; (b) Communicable diseases (including TB, Malaria, others); (c) emerging non-communicable diseases (Diabetes, Mental health, Cardio-vascular diseases); and (d) Limited curative care and behavior change communication (BCC).

228. The GoB appointed domiciliary health workers at the ward or village level, — one for every 5,000 to 6,000 people. There are sanctioned posts of 26,481 Domiciliary Workers, 20,877 Health Assistants (HA), 4,205 Assistant Health Inspectors (AHI), and 1,399 Health Inspectors (HI) under the Directorate General of Health Services (DGHS). The Directorate General of Family Planning (DGFP) also has domiciliary family planning staff working at the ward levels. There are 29,210 sanctioned posts of domiciliary workers under DGFP, out of which Family Planning Inspectors (FPI) are 5,710 and Family Welfare Assistants (FWA) are 23,500. Currently, the domiciliary staff members from DGHS and DGFP share the responsibility of running the independent community clinics, along with the community healthcare provider (CHCP). EPI outreach is conducted by the HAs and satellite clinic by Family Welfare Visitor (FWV) from DGFP. Family planning coverage increased to 73percentin 2015 (WHO 2016). Improved water source and adequate sanitation coverage was 74percentin 2015 (WHO 2016).

229. The GoB recruited 13,622 full-time community healthcare providers (CHCPs) to run the Community Clinics (CC). The CHCPs have also been provided with laptop computers and internet connection to update local health data in online control database for evidence-based decision-making and future use. The CCs promote health and provide preventive and basic curative care. About 1008 CCs conduct normal delivery. During 2009-2015, a total of 23,837 normal deliveries were conducted in CCs without any mortality of the mother or the newborn.

Reduction of Infant Mortality and Stillbirth Rate

230. Bangladesh has already attained the target of MDG-4 about reduction of child mortality rate. The Millennium Development Goals Bangladesh Progress Report 2015 shows that Bangladesh's under-5 mortality rate has dropped to 41 per 1,000 live births by 2012 from 144 per 1,000 live births in 1990. It registers 71 percent reduction against the target of 66 percent reduction by 2015. According to the same report, the current infant mortality rate of Bangladesh is 33 per 1,000 live births, and the neonatal mortality rate is 24 per 1,000 live births. The share of neonatal mortality rate is 59 percent of under-5 mortality rate and 80 percent of infant mortality rate. Bangladesh also pledged to prevent an

additional 108,000 deaths annually to reduce the national under-five mortality rate to 20 per 1,000 live births by 2035. One of the important indicators of MDG-4 is ensuring universal coverage of measles vaccination among the 1-year(s) old children by 2015. The current coverage rate in Bangladesh is 86 percent. Bangladesh is well on track for this indicator also. Treatment of pneumonia has increased to 35 percent in 2015 (WHO 2016).

231. The GoB has introduced a new project named Helping Babies Breathe (HBB) to ensure the healthcare of the newborn. Visible progress has been made in addressing newborn complication and deaths due to birth asphyxia, prematurity and infection through establishing Special Care Newborn Unit (SCANU) in six medical college and 20 district hospitals covering 26 districts and rolling out Emergency Triage Assessment and Treatment (ETAT), sick newborn care and HBB initiative training and equipping over 28,000 skilled birth attendants (SBAs). Births attended by skilled health personnel increased by 133 percent, from 18 percent in 2007 to 42 percent in 2015 (WHO 2016). Application of 7.1 percent chlorhexidine (CHX) for newborn umbilical cord care has been rolled out across all 64 districts of the country, training over 85,000 health workers, supervisors and managers.

Maternal Health Care

232. Each year, Bangladesh observes Safe Maternity Day on 28 May. In order to reduce maternal mortality, the GoB has adopted Bangladesh National Strategy for Maternal Health. The latest estimate by United Nations shows the current Maternal Mortality Rate (MMR) in Bangladesh is 170 per 100,000 live births. Trends in Maternal Mortality: 1990 to 2015(a study conducted by WHO, UNICEF, UNFPA, World Bank Group and the United Nations Population Division) showed MMR in 2015 to be 176 per 100,000 live births which was 569 per 100,000 live births in 1990.[118] Maternal mortality has been dropped by 70 percent against the 2015 target of 75 percent(143 per 100,000 live births). The contraceptive prevalence rate is moving on track as revealed by a 61 percent rate against a national 2015 target of 72 percent.

233. Reduction of maternal mortality ratio in Bangladesh has been achieved through firm government's commitment expressed in HPSP, HPNSP and other national policies and programmes. Through HPSP, HPNSDP and HPNSP, SBAs have been made available to rural women who deliver mostly at home. About 6100 (nearly 47 percent of the target) existing health workers, Family Welfare Assistants (FWAs) and Female Health Assistants (FeHAs) have been trained as community based skilled birth attendants (CSBAs) to provide home based maternal health services in addition to their designated functions in promoting family planning and immunization.

234. The Ministry of Health and Family Welfare of Bangladesh, in collaboration with UNICEF, is undertaking facility-based Emergency Obstetric Care (EOC) Programme in all the districts with a view to improving the maternal health situation, targeting to achieve the MDG-5. Currently, all the government medical college hospitals, district hospitals, Upazila hospitals, and maternal and child welfare centres (MCWCs) provide obstetric care service. A number of private clinics or hospitals and health-related NGOs are also partners of this programme.

235. At present, all medical colleges and district hospitals, 3 general hospitals, 132 Upazila health complexes, and 63 MCWCs provide Comprehensive Emergency Obstetric Care (CEmOC), and rest of the Upazila health complexes provide Basic Essential Obstetric Care (BEOC). The list also includes NGOs and private care providers from a number of districts. Under a programme, jointly operated by the Management Information Systems (MIS) of DGHS and UNICEF, data are collected from the EOC facilities. There was a 93 percent increase in deliveries in the upgraded EOC facilities. In addition, 1500 UHFWCs are upgraded to provide Obstetrics first aid services.

236. The UNFPA has been assisting the GoB in strengthening quality service delivery and capacity development of service providers at 10 medical college hospitals and 4 private hospitals. Since 2003, 24 doctors and 253 nurses have been trained; 3,050 complicated

[118] Trends in Maternal Mortality: 1990 to 2015, p. 70.

obstetric fistula surgeries were performed. In 2014, the GoB established National Fistula Centre in Dhaka Medical College Hospital.

237. The Directorate General of Health Services is also implementing CSBA training programmes in 465 Upazilas of 64 districts (DGHS 2016). The GoB has introduced midwifery course and created posts for 2994 midwives.

Child Health and Nutrition

238. With a view to reducing the maternal and child mortality and morbidity, extensive programmes have been taken in the past years. At the community level, the Maternal and Child Health Care (MCH) services are provided by the FWAs and HAs. At the Union level, a FWV and a sub-assistant community medical officer, or medical assistants, are mainly assigned to provide MCH services. There are also about 250 graduate medical officers posted in 3,275 UHFWCs for the purpose of providing MCH services.

239. Vitamin-A supplementation coverage for under-five children has increased from 85 percent in 2005 to 98 percent in 2013[119] and the exclusive breast feeding practice has stood at 54 percent (in 2014). Progress on EPI and introduction of new vaccines has progressed well and scaling up of Community-based Integrated Management of Childhood Illness (CIMCI) and Integrated Management of Childhood Illness (IMCI), and nutrition corners have been put in place. About 81 percent of children aged between 12-23 months received all the scheduled vaccines by 12 months of age. Under "Reach Every District Community Strategy" programme, routine EPI activity has further been strengthened in low performing 32 districts and 4 City Corporations. NGO/Private sector partnership exists for EPI programme in a limited scale especially in urban areas. Child immunization coverage has been increased to 94 percent by 2015. Since 2011, the MCH Services Unit of the DGFP has been implementing MYCNSIA (Maternal and Young Child Nutrition Security Initiatives in Asia) in collaboration with UNICEF in 22 Upazilas of 10 districts covering 6,765,910 populations. The initiatives include providing counseling to mothers/caregivers about Infant and young child feeding (IYCF), distribution of Multi Micronutrient Powder (MNP) among 6-23 months old children, counseling to pregnant and lactating mothers on feeding practice and, hand-washing/hygiene practice etc.

240. The EPI programme effectively kept down the morbidity and mortality of infants associated with measles to a significant level by immunizing 52 million children from age 9 months to below 15 years during the Measles-Rubella (MR) campaign in 2014 and follow-up campaign in 2017. Coverage of the first dose of measles vaccine (MCV1) was estimated to increase from 81 percent in 2004 to 96 percent in 2012. In 2012, the second dose of measles vaccine and sentinel surveillance for congenital rubella syndrome, covering all districts, were introduced in the national immunization programme.

241. In the last decade, Bangladesh made recognisable improvements in the nutritional status of children under five years of age. Since 2004, the level of stunting declined by 29 percent from 51 percent in 2004 to 36 percent in 2014. The level of underweight declined from 42.5 in 2004 to 32.6 in 2014. Wasting also declined from 14.5 percent in 2005 to 14.3 percent in 2015.

National Childhood Immunization Programmes

242. The immunization coverage in Bangladesh is one of the highest among the developing countries. The National Immunization Day is observed every year. On 07 April 1979 (World Health Day) the Expanded Programme on Immunization (EPI) in Bangladesh was launched. At the beginning, EPI coverage remained less than 2percent by 1984. In 1985, the GoB committed to the Global Universal Child Immunization Initiative (UCI), and expanded a phase-wise process of EPI intensification from 1985-1990. During this time, EPI was intensified throughout all Upazila, Municipalities and City Corporations and made available to all targeted groups (infants and pregnant mothers).

[119] Factsheet, Vitamin A Supplementation Programme in Bangladesh, UNICEF, 2014.

243. The GoB has developed Comprehensive Multi-Year Plan (CMYP) 2011-2016 for national immunization programme. This plan sets out the medium-term (2011-2016) strategic goals of the immunization programme, the related objectives, indicators, milestones, key activities and associated costing and funding strategy.

244. The Vaccination Act, 1880 makes vaccination compulsory in certain local areas in Bangladesh. [120] As per the WHO recommendation, the GoB is trying to introduce inactivated poliovirus vaccine (IPV) by withdrawing the type 2 component of oral poliovirus vaccine. Bangladesh is also satisfactorily progressing toward achieving the measles elimination goal of the WHO's South-East Asia Region by 2020.

245. Over the last few years Bangladesh EPI programme managed to control the morbidity and mortality associated with measles up to a significant margin by maintaining high coverage of measles-1 among infants, immunizing 35 million children from age 9 months to 10 years during the measles catch up programme in 2006 and immunizing all children aged 9 months to 59 months during measles follow-up campaign in year 2010.

246. Measles vaccination coverage among 12 months old children is 86 percent according to EPI-CES 2013. Coverage of the first dose (MCV1) of measles vaccine was estimated to increase from 81 percent in 2004 to 96 percent in 2012. In 2012, the second dose of measles vaccine and sentinel surveillance for congenital rubella syndrome, covering all districts, were introduced in the national immunization programme.

247. Bangladesh has achieved success in eradication of poliomyelitis (polio). Bangladesh has been polio free since August, 2000 but wild poliovirus importation occurred in 2006 which was contained after 10 rounds of NIDs within 2 years. Bangladesh has become polio free again since November, 2006. Since 2008, Bangladesh has been maintaining elimination status of MNT which is a major public health success.

Public Health Nutrition Programme

248. During the HPNSDP (July 2011-June 2016), the MoHFW has set a target of mainstreaming nutrition intervention into the health and family planning services, under the OP–National Nutrition Services (NNS). Through NNS, the GoB plans to accelerate the reduction of persistently high rates of maternal and child under-nutrition.

249. Over a period of 17 years, the coverage of nutrition service was extended up to 167 Upazilas through various projects. From July 2011, the National Nutrition Service (NNS) has been operating all over the country. Under the National Nutrition Services (NNS), which is housed in the Institute of Public Health Nutrition (IPHN), both DGHS and DGFP are streamlining and strengthening the nutrition services by using regular manpower.

250. The GoB prioritizes vitamin-A supplementation as an important public-health programme and is distributing vitamin-A capsules to children of 6-59 months through National Vitamin-A Campaign (NVAC). Every year, two rounds of Vitamin-A capsule supplementation to children aged 6-59 months have been conducted covering around 20 million children.

Awareness Building Programmes on HIV/AIDS

251. In Bangladesh, initiatives had been taken to combat HIV even before it was detected. The National AIDS Committee (NAC) was constituted in 1985, four years before the first detection of HIV in the country. The NAC is the highest decision making body on issues related to AIDS and is responsible for formulating and overseeing major policies and strategies on HIV/AIDS in Bangladesh.

252. Bangladesh is the first country in the region to adopt a comprehensive national policy on HIV-AIDS and STDs (in 1997), and then also developed the first National Strategic Plan for HIV/AIDS, 1997-2002. This was reviewed in 2005 and the Second National Strategic Plan for HIV/AIDS (2004-2010) was adopted.

[120] The Vaccination Act, 1880, Preamble.

253. The GoB has integrated HIV issue in Bangladesh's general development plans. The national response to HIV is being guided by a number of well-developed laws/strategies/guidelines. They include: the Safe Blood Transfusion Act (passed in 2002), the National Harm Reduction Strategy for Drug Use and HIV, 2004-2010; the National HIV Advocacy and Communication Strategy, 2005-10; the National Anti-Retroviral Therapy Guidelines, 2006; the National STI Management Guidelines, 2006; the National Policy and Strategy for Blood Safety, 2007; the National Standards for Youth Friendly Health Services (YFHS), 2007; the Standard Operating Procedures for Services to People Living with HIV and AIDS, 2009.

254. Several Projects have been undertaken to combat HIV/AIDS. HIV/AIDS Prevention Project (HAPP) 2004-2007 was the first major projects under NASP which was supported by World Bank and DFID. The goal of HAPP was to control the spread of HIV infection within high-risk groups i.e. PWIDs, brothel-based sex workers, street sex workers, and hotel and residence based sex workers, clients of sex service, and transgender (PWIDs, FSW, MSM and hijras) and to limit its spread to the general population, without discriminating and stigmatizing the high-risk groups. The GoB has also adopted Bangladesh AIDS Programme (BAP) 2005-2009 and HIV/AIDS Targeted Intervention (HATI) 2008-2009 focusing on similar agenda. These activities have helped to halt HIV spread in Bangladesh. New HIV infections among adults (15-49) years remained less than 0.01 during 2011-2015 (WHO 2016). HIV antiretroviral treatment coverage is 11 percent in 2015 (WHO 2016).

Prevention of the Abuse of Alcohol, Tobacco & Illicit Drugs

255. Bangladesh is a signatory to the Convention on Psychotropic Substances, 1971 and the UN Convention against Illicit Traffic in Narcotics Drugs and Psychotropic Substances, 1988. Bangladesh has signed and ratified the SAARC Convention on Narcotics Drugs and Psychotropic Substances, 1990.

256. Bangladesh is committed to combating drug abuse and illicit trafficking and is committed to materialize the UN policies and strategies in this respect. The Narcotics Control Act, 1990 provides for interception of illicit drugs as well as control of narcotic drugs and psychotropic substances used in medical, industrial and scientific purposes. The said Act also provides for establishment of the National Narcotics Control Board (NNCB), the highest policy-making body of the government for formulating necessary policies and strategies to combat drug problems in the country.

257. The Drugs (Control) Ordinance, 1982 provides that no drug or pharmaceutical raw materials will be imported except with the prior approval of the licensing authority.[121] It further provides that no person will publish or take any part in publication of any advertisement which relates to the use of any drug or contains any claim in respect of therapies or treatment without the prior approval of the licensing authority.[122] The said Ordinance also stipulates that every manufacturer of drugs will follow the good practices in the manufacture and quality control of drugs recommended by the World Health Organization.

258. In order to implement the Provisions of the Drug Act, 1940 and the Drugs Ordinance, 1882, the GoB has adopted the National Drug Policy, 2005. The Drug Policy seeks to ensure easy access to safe and good quality drugs at affordable price. The Policy also aims to ban manufacture, sale and distribution of counterfeit, adulterated and sub-standard drugs.

259. The Directorate General of Drug Administration (DGDA) was established under the mandate of the National Drug policy. This DGDA supervises and implements the drug laws in the country. All the officers of the DGDA function as "Drug Inspector" in pursuant to the Drug Laws and assist the Licensing Authority to discharge its responsibilities properly.

[121] The Drugs (Control) Ordinance, 1982, s. 9 (2).
[122] *Ibid*, s. 14.

260. Besides, a number of Committees, such as the Drug Control Committee (DCC), the Standing Committee for procurement and import of raw materials and finished drugs, Pricing Committee and a number of other relevant Committees advise the Licensing Authority on issues relevant to their mandates.

261. Every year Bangladesh observes the World Tobacco Free day on the 31st day of the month of May. The GoB has signed the Framework Convention on Tobacco Control (FCTC) on 16 June 2003 and ratified the same on 10 May 2004 in the 56th Conference of World Health Organization to discourage smoking and usage of tobacco products. For the purpose of implementing the said Convention, the GoB has enacted the Smoking and Tobacco Products Usage (Control) Act, 2005 and the Smoking and Use of Tobacco Product (Control) Rules, 2013.

Treatment & Care in Psychiatric Facilities for Mental Health Patients

262. The Mental Health Policy of Bangladesh was revised in 2006. The said Policy provides for organization of mental health services, developing community mental health services, developing a mental health component in primary health care, human resources, equity of access to mental health services across different groups financing, quality improvement, monitoring system. Strategy and work plan for community-based activities in regard to mental health of the population was also approved in 2006. Bangladesh has prepared a Draft Mental Health Act which is under due consideration of the government.

263. There are 50 outpatient mental health facilities available in the country, of which 4percent are for children and adolescents only. These facilities treat approximately 26 patients per 100,000 persons. There are also 31 community-based psychiatric inpatient units in the country having 0.58 bed per 100,000 persons. Two percent of these beds in community based inpatient units are reserved for children and adolescents. There is 1 mental hospital in the country with the facility of 0.4 beds per 100,000 persons. Four percent of the training for medical doctors is devoted to mental health. There is a coordinating body (National Institute of Mental Health, Dhaka) to oversee public education and awareness campaigns on mental health and mental disorders.

Health rights of the Disadvantaged Groups

264. In order to ensure universal health care for the poor people, the GoB has developed the concept of a Social Health Protection Scheme, namely, SHASTHYO SHUROKHSHA KARMASUCHI (SSK). This objective of the scheme is to render free inpatient health services to the members of 100,000 families for 50 listed diseases. With a view to implementing the scheme, an SSK Baseline Survey has been conducted, scheme operators have been appointed and a manual has been developed.

Hygiene and sanitation

265. The Labour Act, 2006 governs issues relating to health and hygiene at workplace as well as prescribes the measures to be followed and enforced at any establishments. It lays down rules dealing maternity benefit, healthy and hygienic working conditions that include provisions relating to cleanliness, ventilation and temperature, dust and fume, disposal of wastes and effluents, artificial humidification, lighting, drinking water, latrines and urinals, dust bean and spittoon etc.

266. National water and sanitation coverage in Bangladesh has improved significantly over the last few years. The functions of the water supply and sanitation sector in Bangladesh are guided primarily by a number of instruments, namely, the National Policy for Safe Water Supply & Sanitation (NPSWSS), 1998; the National Policy for Arsenic Mitigation & Implementation Plan, 2004 (NAMIP); the National Sanitation Strategy (NSS), 2005; the Pro-Poor Strategy for Water and Sanitation Sector (PPSWSS), 2005; the National Sector Development Programme for Water Supply and Sanitation, 2010 (SDP).

267. The NPSWSS 1998 is the most significant policy for the Water and Sanitation Sector (WSS). The Policy provides that all people have right to access to safe water and sanitation services at an affordable cost. The Policy emphasizes community sanitation in densely populated poor communities without sufficient space for individual household

latrines. It further mentions that appropriate water supply and sanitation technology options will be adopted to specific regions, geologic situations and social groups. The Policy also recognizes the role of NGOs and private sector in this regard.

268. The NSS 2005 was prepared to guide and coordinate the National Sanitation Campaign in the light of the NPSWSS 1998. The PPSWSS 2005 was formulated to provide a safety net to the poor people. The SDP 2010 provides a comprehensive development plan for the water supply and sanitation sector for the next 15 years in phases.

Prevention, Treatment and Control of Epidemic, Endemic and Other Diseases

269. Bangladesh is a signatory to International Health Regulation (IHR) 2005 and has built its capacity in terms of detection and response to case detection and outbreak of emerging diseases. IHR 2005 requires strengthening of national capacity to deal with the public-health emergency with national and international concern. Bangladesh has a number of target-oriented programmes on malaria, filarial and intestinal worms, avian and pandemic influenza and achieved visible progress.

Infectious diseases

270. TB incidence in Bangladesh in 2011 was 225, which increased to 227 in 2015 (WHO 2016). More than 362,000 have been infected with TB which is claiming about 72 thousand lives annually. About 150 thousand cases are either undetected, untreated or remain unreported annually. With this burden, Bangladesh is in the list of high TB and MDR-TB burden countries. Currently, TB treatment success rate is 93 percent.

Malaria

271. The National Malaria Control Programme (NMCP) has achieved recommendable success in controlling Malaria through reduction of cases and death. Though, presently the disease is hyper endemic in 3 hilly districts and moderate endemic in one district (Cox's Bazar), it is in pre-elimination state in remaining 9 districts. In 2013 there is 68 percent and 90 percent reduction in Malaria morbidity and mortality respectively compared to 2008. The country is in a situation to achieve 75 percent reduction of morbidity and mortality by 2025 and zero transmission within 2030. Malaria incidence reduced to 4.3 percent in 2015 from 4.7 percent in 2011 (WHO 2016). For Malaria prevention, insecticide treated bed nets/indoor residual spray coverage stands at 67 percent (WHO 2016). A new strategic plan 2015-2020 has been drafted with the vision of "Malaria-free Bangladesh". The goal of the National Strategic Plan (NSP) is "By 2020, to have achieved 'zero indigenous transmission' and 'zero death' aiming Malaria elimination in Bangladesh".

Dengue, Chikungunya and Zika

272. In 2000 Dengue re-emerged in Bangladesh, after an earlier outbreak in the 1960s. Notwithstanding, Bangladesh demonstrated appreciable competence in managing Dengue. Training of healthcare providers on Dengue management and increased awareness have contributed to the achievement. Recent outbreaks of Chikungunya in the country and emergence and spread of Zika in different parts of the world warrant importance to institute programmes for control and prevention of these two diseases. During the 4th HPNSP implementation period, the MOHFW will scale up the integrated vector management; draft and update national strategy and action plan; promote clinical management, prevention and control measures against Dengue, Chikungunia and Zika virus infection.

Filariasis

273. Bangladesh is one of the endemic countries for Filariasis. The GoB has launched a Mass Drug Administration (MDA) in November 2001 (1st round) among at-risk population of *Panchagarh* district and, thereafter, the programme gradually was scaled up to 19 districts by 2008 in pursuance of the result of baseline Microfilaria survey. After several rounds of MDA in the area, the Mf result came down to less than 1percent in 15 districts by 2013 to achieve elimination before 2015.

Leprosy

274. In 1998 Bangladesh achieved elimination of Leprosy as a public-health problem at national level. It was 2 years ahead of WHO targeted date. The elimination is defined by the WHO to reduce registered prevalence to less than 1 case per 10,000 persons. At that time, the registered prevalence was 0.87/10,000 persons, and the number of endemic districts/areas was 15. After achieving elimination at national level the National Leprosy Elimination Programme (NLEP) is consolidating its effort to achieve sub-national (district-level) elimination. In 2004, the registered prevalence came down to 0.51/10,000 persons, and the number of endemic districts/areas came down to 10.

Rabies

275. Pursuant to the national Rabies elimination goal by 2020, a number of activities are being conducted including national Rabies survey, setting up of national and district level Rabies prevention and control centres, mass dog vaccination, and dog population management. A total of 67 of centers have been established with at least one in all the 64 districts of the country. National Rabies survey was conducted in 2010 and 2012 with decrease in Rabies cases over the time. The country is now in a unique position of achieving elimination of Rabies if three rounds MDV can be completed within 2019.

Institutional facilities For Health Research

276. Several government and non-government organizations are engaged in health research. They are Bangladesh Medical Research Council, International Centre for Diarrheal Disease Research, Bangladesh (icddr,b), National Institute of Cardiovascular Diseases, National Institute of Preventive & Social Medicine, The Institute of Child & Mother Health (ICMH) etc.

Article 13

Right to Education

277. The right to education has been recognised as a Fundamental Principle of State Policy in the Constitution. The Constitution of Bangladesh provides for a uniform, mass oriented and universal education system, and extending free and compulsory education to all children to such level as may be determined by law.[133] In addition, the Constitution declares "education" as one of the basic necessities of life.[134]

278. The GoB has enacted a number of legislations, policies and plan of actions for ensuring the right to education in Bangladesh. The National Education Policy, 2010 provides for taking initiatives to impart education to children in their own languages. The GoB is currently working on making education compulsory up to Grade 8 pursuant to the National Education Policy, 2010.

279. In addition, the following laws comprise the legal regime for administration of education system in Bangladesh. They are as follows:- the Government Educational and Training Institutions Ordinance, 1961; the Intermediate and Secondary Education Ordinance, 1961; the Technical Education Act, 1967; the Bangladesh (Adaptation of East Pakistan Intermediate and Secondary Education Ordinance) Order, 1972; the Government Educational and Training Institutions (Adaptation) Order, 1972; and the Madrasa Education Ordinance, 1978.

Purpose of Education

280. The Education Policy, 2010, sets out the objectives of education. In formulating the objectives of education, the Convention on the Rights of the Child, 1989 has been taken into consideration. The main purposes of education have been set to make the learners

[133] *Supra* note 1, art. 17.
[134] *Ibid*, art. 15.

aware of human dignity, progressive, tolerant, mindful, virtuous, patriotic, active and free from superstition.

Education System in Bangladesh

291. The education system in Bangladesh is broadly divided into three major stages: primary, secondary and tertiary. From an operational perspective, the system has two different streams: Primary Education (Grade I-V) managed by the Ministry of Primary and Mass Education (MOPME) and the Post-primary Education covering all other levels from junior secondary to higher education by the Ministry of Education (MOE).

292. There are more than 17.0 million students at the primary level, and over 8.0 million at the secondary level. Enrolments at the tertiary level are relatively small but growing very rapidly.

293. The post-primary stream of education can be further classified as follows: General Education, Madrasa Education, Technical-vocational Education and Professional Education.

294. There are three different streams of education currently prevailing in Bangladesh, which are as follows:

- The General Education forms the mainstay of all streams and forms education. It follows the curriculum designed by the National Curriculum and Textbook Board (NCTB), and thus is also known as the Board Education. This stream can be further subdivided on the basis of medium of instruction, i.e. Bangla version and English version (commonly known as the "English Version" of the Board curriculum);
- The Madrasa education is a religious-education based system run separately by the Madrasa Board; and
- The English medium education is a system modeled after the British education system.

295. The GoB has approved Madrasa system as one of the mainstream education system. The Madrasa Education Ordinance, 1978 provides for establishment of Bangladesh Madrasa Education Board for regulation, supervision, control and development of Madrasa education in Bangladesh in accordance with the provisions of this Ordinance. The GoB has ensured its equivalency to general education in such a way that the "*dakhil*" level corresponds to secondary and "*alim*" to higher secondary education.

296. The English Medium Education follows the British Curriculum under the General Certificate of Education (GCE) system, where the students sit for the O Levels (Ordinary) and A Levels (Advanced) examinations in lieu of SSC and HSC respectively. The GCE is one of the most internationally recognised qualifications. English Medium schools are mainly private schools.

Primary Education

297. The administration of primary education system in Bangladesh comprises the following bodies, namely, Ministry of Primary & Mass Education (MoPME), Directorate of Primary Education, National Academy for Primary Education (NAPE), and Compulsory Primary Education Implementation Monitoring Unit.

298. The National Academy for Primary Education (NAPE) is the apex institution for training and research in the field of primary education. There are 53 government-run and 1 private Primary Teachers Training Institutes. They offer 1-year Certificate-in-Education course to the teachers of primary schools.

299. After enactment of the Primary Education (Compulsory) Act, 1990; the Compulsory Primary Education Implementation Monitoring Unit was established in 1991 with a view to monitoring the compulsory primary education programme and conduct child-survey to collect information on the numbers of primary school-age population and children attending schools.

300. The GoB maintains that Education for All (EFA) is a fundamental condition for development. Primary education was made free and compulsory in selected areas in 1992

and all over the country since 1993. Since 2011, the GoB ensured enrollment of all children within the catchment area of each government primary schools.

291. The Primary level education (from class I-V) is provided by two major institutional arrangements: (a) general education and (b) Madrasa education. The completion of Primary education is marked by passing the PSC (Primary School Certificate) Examination.

Free and Compulsory Primary Education

292. The Compulsory Primary Education Act, 1990 has made primary education free in all government schools for all children between six to ten years. The stipends for the female students programme facilitate the cause of female education as special priority sector. In addition to that, the National Child Labour Elimination Policy, 2010 has been adopted with a view to ensuring compulsory and free primary education for all children who are engaged as child-workers by 2016.

293. The GoB has adopted a number of policies in a bid to ensure primary education for all children. The National Children Policy, 2011 paved way for facilitative actions such as the Female Stipend programme, the Food for Education (FFE) programme; and most recently the Primary Education Development Programme (PEDP II), a six-year programme beginning in the year 2000 which aims to increase access, equality and efficiency in the primary education sector.

294. The National Education Policy (NEP) with a view to integrating the diverse streams of education provides that all the education streams in Bangladesh, e.g. the National Curriculum, the English medium and the Madrasa system must incorporate a number of common compulsory subjects in their respective syllabuses. Before the NEP 2010, the Madrasa students had their own separate curricula now under the NEP all the streams will be answering the same questions.

Number of Primary Schools

295. According to the 2015-16 Annual Report of Ministry of Primary and Mass Education, the number of public primary schools is 63041 whereas the number of private primary schools is 58,575. The total numbers of primary schools are 1,22,176.

Enrolment and Dropouts

296. According to BANBEIS Report 2014, the total number of students enrolled in public primary schools is 1,46,71,914 whereas the number of total enrolled students in private primary schools is 48,81,065. The total number of students enrolled in primary schools is 1,95,52,979.[125] The number of girls enrolled in primary schools is 50.7 percent of the total number of students enrolled.[126] The Gross Enrolment Rate in primary education from 2005-2014 has increased from 93.7 percent to 108.4 percent and the Net Enrolment Rate has increased from 87.2 percent to 97.7 percent.[127]

297. As per BANBEIS Report 2014, the number of dropout rate (Per 100 student) in primary education in 2014 by grade is as follows:

Sex	Grade 1	Grade 2	Grade 3	Grade 4	Grade 5
Boys	2.0	3.5	7.4	9.4	2.4
Girls	0.4	5.7	2.3	6.8	2.2
All	1.2	4.6	4.8	8.1	2.3

[125] Pocket Book on Bangladesh Education Statistics, 2014 (BANBEIS, Ministry of Education, March-2015), p. 3.

[126] *Ibid.*

[127] *Ibid*, p. 11.

Secondary Education

298. According to NEP 2010, the secondary education into three sub-branches, namely general, vocational/technical and Madrasa.

299. The vocational education was introduced into the educational system as per the 1974 report of the first Education Commission appointed under Dr. Qudrat-e-Khuda. The 1979 Interim Education Policy established the current framework of secondary level of three sub-stages: junior secondary, secondary and higher secondary. Each level is formally completed by passing a public exam: JSC (Junior School Certificate) after class VIII, SSC (Secondary School Certificate) after class 10 and HSC (Higher Secondary School Certificate) after Class XII.

300. Post primary level Madrasas are known as *Dakhil* Madrasa (grades 6-10) and Alim Madrasa (grades11-12).

301. The following education boards regulate the exams under the National Curriculum, Technical and Madrasa based education systems:

Education Board (National Curriculum)	*Eight Boards of Intermediate and Secondary Education are responsible for conducting the JSC, SSC and HSC level public examinations*
Madrasa Education Board	This Board is responsible for conducting public examinations in respect of Dakhil to Alim levels.
Technical Education Board	This Board is entrusted with the task of conducting certificate and diploma examinations in technical education.

302. The administration of secondary education system in Bangladesh mainly comprises the Ministry of Education (MoE), the Directorate of Secondary and Higher Education (DSHE), the Directorate of Technical Education (DTE), the National Curriculum and Textbook Board (NCTB), Bangladesh Bureau of Educational Information and Statistics (BANBEIS).

303. The MoE is the highest policy making body of the GoB on administration and of post-primary education sector including Madrasa, Technical and Vocational education. The DSHE is responsible for administration, management and control of secondary and higher education including Madrasa and other special types of education. The DTE is responsible for the management and administration of technical & vocational institutions like polytechnics, mono-technics and other similar types of institutes.

304. The NCTB is an autonomous organization under the Ministry of Education (MOE). It is the largest state owned Publishing House of the world responsible for the total supply of textbooks for millions of learners, from school beginners to Pre-University level.

305. Responsible for collection, compilation and dissemination of educational information and statistics at various levels and types of education, BANBEIS is the apex body of the Educational Management Information System (EMIS) of the country. The BNFE is responsible for execution of policy decisions and plans relating to non-formal education.

Number of Secondary Schools

306. According to BANBEIS REPORT 2015, there are 19,826 secondary schools and 232,994 teachers in the country. The number of students enrolled in these institutions is 96,90,165.[128]

[128] *Ibid*, p. 16

Enrolment and Dropouts

Gross and Net Enrolment Rate (NER) in College (11 & 12 Class), 2014[129]

Indicators	*Both*	*Boys*	*Girls*
Higher Secondary Age Population (16-17 years)	4 518 979	2 510 584	2 008 394
Enrolment of All Ages	1 883 690	947 273	936 417
Enrolment of (16-17 years)	1 295 147	633706	661 441
Gross Enrolment Rate (GER)	41 68	37 73	46 63
Net Enrolment Rate (NER)	28 66	25 24	32 93

Gross and Net Enrolment Rate (NER) in College & Madrasa (11 & 12 Class), 2014[130]

Indicators	*Both*	*Boys*	*Girls*
Higher Secondary Age Population (16-17 years)	4 518 979	2 510 584	2 008 394
Enrolment of All Ages	2 106 119	1 060 678	1 045 441
Enrolment of (16-17 years)	1 498 575	739 032	759 543
Gross Enrolment Rate (GER)	46 61	42 29	52 05
Net Enrolment Rate (NER)	33 16	29 44	37 82

307. There are a total number of 1008 secondary colleges and 1346 higher secondary colleges under both public and private management. There are 21,404 teachers in secondary colleges and 23,873 teachers in higher secondary colleges. The numbers of students enrolled in secondary colleges and higher secondary colleges are 2,72,106 and 3,55,061 respectively.[131]

Technical and Vocational Education

308. The Technical Education Act, 1967 has been enacted with a view to regulating technical education in Bangladesh.[132] As of 2015, the total number of Technical and Vocational Training institutes in Bangladesh is 5790, with 30903 teachers and 8,72,658 students.[133]

309. The Technical Education consists of three levels: Basic skills level, Certificate level, and Post-Secondary level. The Basic level is a two years course focusing on manual skills offered both inside and outside of schools for students who have completed grade VIII. The certificate level is equivalent to two-year Secondary School Certificate, SSC (Voc) and the Higher Secondary Certificate, HSC (Voc). SSC (Voc) requires an additional two years of secondary schooling after grade 10 and HSC (Voc) covers a similar set of skills.

310. At the post-secondary level, there are four-year diploma-level courses, which are offered through polytechnic and monotechnic institutions (such as the Textile Institutes).

311. There are 480 numbers of professional educational institutions where 111 numbers of institutions are public and 369 are private.[134] A total of 1,22,829 students are enrolled in these institutions of which 31,869 students are enrolled in public institutions and 90,962 students are enrolled in private institutions.[135]

[129] *Ibid*, p. 50
[130] *Ibid*
[131] *Ibid*
[132] The Technical Education Act, 1967
[133] *Supra* note 129, p. 9
[134] *Ibid*, p. 89
[135] *Ibid*, p. 90

Higher Education

312. Bachelor/graduate degree programme constitutes the first tier of higher education which begins next after higher secondary level education. Masters and doctoral degree programmes are included in the Post-Graduate le el. Higher education in the technical area also starts after higher secondary level. Engineering, agriculture, business, medical and information & communication technology are the major technical and technological areas of education.

313. There are a total number of 112 universities in Bangladesh. Of them, the numbers of public universities are 34 and the numbers of private universities are 78. The total numbers of teachers are 24,027. The public universities have 11,505 teachers whereas the private universities have 12,522 numbers of teachers.[136] The University Grants Commission (UGC) is responsible for coordinating activities of the universities and distributing government grants to them.

314. In Bangladesh everyone has to sit for public examinations in order to get admission to higher education programmes in public universities. The examination is taken without any discrimination as to age, sex, race, caste, religion or place of birth.

315. There are 215 teacher educational institutes in Bangladesh. The total number of enrollment in teacher educational institute is 34,644 whereas the number in public teacher educational institute is 19,154 in private teacher educational institute are 15,490.[137]

Madrasa Education

316. Alia Madrasa was established in 1780 by British government and formed Madrasa Education Board of Bengal.

317. The management of Madrasa Education Board is governed under the Bangladesh Madrasa Education Board (Governing Bodies and Managing Committees) Regulations, 1979. The principal functions of Madrasa Education Board are as follows:

(a) Approving the permission/recognition/renewal of Dakhil (S.S.C level) and Alim (H.S.C level).

(b) The registration and exams of Dakhil and Alim level as well as *Ibtedayee* (class five level) and Junior Dakhil Certificate are held under this Board.

(c) The Madrasa Education Board also approves the governing committees of non-govt. Madrasas as well as text books, syllabus and lesson plans. It also bears the expenses for boy-scout, Rover Scout, Girls Guide and sports.

318. There are 9,319 Madrasas in Bangladesh, of which the total number of public and private Madrasas are 3 and 9,316 respectively.[138] The total number of Madrasa students are 24,09,373- of which 6,289 students are enrolled in public Madrasas and 24,03,084 students are enrolled in private Madrasas. The total number of teachers are 1,14,033 of which 75 teach in public Madrasas and 1,13,958 teach in private Madrasas.[139]

Religious and Moral Education

319. The GoB recognizes that religious and moral education is important for building a just and conscience society. According to the Constitution, no person attending any educational institution will be required to receive religious instruction, or to take part in or attend any religious ceremony or worship, if that instruction, ceremony or worship relates to a religion other than his own[140] in consonance with the acceptability criteria of right to education. The National Education Policy, 2010 provides that the GoB will take measures so that children are imparted suitable religious and moral education.

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[136] *Ibid*, p. 99.
[137] *Ibid*, p. 92.
[138] *Ibid*, p. 69.
[139] *Ibid*.
[140] *Supra* note 1, art. 41 (2).

Provision for Private Educational Institutions

320. The Private University Act, 1992 lays down provisions relating to the regulations of private universities. According to the said law, no private university will be established or managed without *permit* from the government.[141] The said Act provides for complete autonomy in academic matters, formation of Governing Bodies as well as recruitment of teachers and staff. They also enjoy financial autonomy to charge fees and pay salaries, as they deem fit to attract good teachers. Before a programme of study is offered, private universities have to get approval from the UGC.

Article 14

Compulsory Education in Metropolitan Area

321. The GoB has made primary education compulsory for all children (between six to ten years) long before acceding to ICESCR. Primary education is provided free of cost in all government primary schools. Law does not make any distinction as to the compulsoriness of primary education on the basis of metropolitan or non-metropolitan area.

Article 15

Promotion and Protection of Cultural Rights in Bangladesh

322. Bangladesh is a country with diverse ethnic, religious communities. The Constitution of Bangladesh provides for measures to conserve the cultural traditions and heritage of the people, and to foster and improve the national language, literature and the arts in order to ensure all sections of people to have the opportunity to participate in the enrichment of the national culture.[142] The Constitution of Bangladesh further obliges the GoB to take steps to protect and develop the unique local culture and tradition of the tribes, minor races, ethnic sects and communities.[143]

323. In addition to the above, Bangladesh is a party to the Convention concerning the Protection of the World Cultural and Natural Heritage, 1972; the Convention on the Protection and Promotion of the Diversity of Cultural Expressions, 2005; and the Convention for the Safeguarding of the Intangible Cultural Heritage, 2003.

324. The GoB has enacted the Small Ethnics Cultural Institutions Act, 2010 with a view to preserving and promoting the culture of ethnic minorities. Till date, three such cultural institutions have been set up in the country.

325. The GoB has adopted the National Cultural Policy, 2006 with a view to upholding the cultures, thoughts and religious faiths of the peoples of Bangladesh. The National Children Policy, 2011 provides for steps to be taken for the development of children belonging to the ethnic minority groups in line with their own traditions and cultures. The National Education Policy, 2010 provides for initiatives to impart education to the ethnic children in their own languages.

326. The GoB has set up the Ministry of Cultural Affairs with a view to promoting, protecting and disseminating cultural traditions of different sections of people in Bangladesh. The Ministry of Religious Affairs is working for maintaining religious diversity in Bangladesh. Besides, the Ministry of Education, the Ministry of Information, the Ministry of Commerce, the Ministry of Civil Aviation and Tourism and the Ministry of Women and Children Affairs are also contributing to achieve a culturally diversified Bangladesh.

327. Bangladesh has three UNESCO designated world heritage sites. Two of them are cultural and one is natural. The cultural world heritage sites are the historic mosque city of Bagerhat District and the ruins of the Buddhist Vihara at Paharpur in Naogaon District.

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[141] The Private University Act, 1992, s. 6.

[142] *Supra* note 1, art. 23.

[143] *Ibid*, art. 23A.

Recognition of Cultural Identity

328. There are about 3 million people belonging to at least 54 different ethnic groups in Bangladesh. The GoB has taken initiatives to identify all the ethnic groups in Bangladesh and officially register their names. The Ministry of Cultural Affairs in collaboration with the Ministry of Chittagong Hill Tracts is conducting various researches in order to preserve the culture of all the ethnic groups in Bangladesh. The Ministry of Cultural Affairs is running programmes like preservation of ethnic languages and alphabet, publication of books and manual and documentaries etc. in order to recognize the distinct cultural identities of the ethnic groups. The GoB has initiated efforts to teach children from ethnic minorities in their mother tongues in schools, which will be further scaled up from 2016 onward. In the Chittagong Hill Tracts, under the project named "Promotion of Development and confidence Building in the Chittagong Hill Tracts", 8380 students got primary schooling and 2299 got pre-primary schooling in multi-language based education system.

Holidays in Recognition of Religious and Cultural Festivities

329. The GoB recognises different religious and cultural occasions of different religions as public holidays including Eid-ul-Fitr, Eid-ul-Adha, Shab-e-Barat, Eid-e-Miladunnabi, Durga Puja, Janmashtami, Bouddho Purnima, Easter Sunday, Christmas, while there are optional holidays for other occasions such as Boxing Holiday, Shab-e-Miraz, Kali Puja, Saraswati Puja, Lakshmi Puja, Maghi Purnima etc.

Professional Education in the Field of Art & Culture

330. The GoB has taken steps to impart academic trainings in the field of fine arts and culture. The two leading public universities namely, the University of Dhaka and the University of Chittagong provide higher education in Fine Arts.

331. The Faculty of Fine Arts at Dhaka University consists of eight departments, such as Drawing and Painting, Printmaking, Graphic Design, Oriental Art, Sculpture, Ceramics, Crafts, History of Art. The Department of Fine Arts in Chittagong University (CU) was established in 1972. In 2011, the said Faculty and the Government Fine Arts College in Chittagong were combined to establish the Institute of Fine Arts in Chittagong.

332. In the private sector, two universities offer education in fine arts, namely the University of Development Alternatives (UODA), and the Shanto Mariam University of Creative Technology. Shanto Mariam University of Creative Technology is a specialized institution.

National Institutions Promoting Cultures

333. The Academy of Fine Arts, the national institutions for fine and performing arts was established in 1974. The Academy of Fine Arts later founded the National Art Gallery in 2003. The functions of the academy include patronizing and assisting artists, providing grants to government-approved cultural institutions, conducting research on cultural heritage, organizing national and international art exhibitions and drama festivals and organizing conferences, seminars, symposiums and workshops. The GoB has set up branches of the Academy in almost every district.

334. In 2001, the GoB has established International Mother Language Institute (IMLI). The main purpose of the IMLI is to preserve and protect endangered languages of the world as well as to develop languages that have remained on the fringe of modern civilization. UNESCO has recognised the International Mother Language Institute in Dhaka, Bangladesh as a Category-2 Institute in 2015.

335. Among other important institutions are included Bangla Academy, and Bangladesh Children's Academy. Bangla Academy was established in 1955. It conducts various research activities on existing languages in Bangladesh. Bangladesh Shishu Academy (Bangladesh Children's Academy) is the only national institution that exclusively works for promotion of cultural and mental development of the children.

336. In addition to above, Madaripur Academy of Fine Arts and Rajbari Acrobatic Centre are well known for their respective roles in promoting and patronizing cultural activities.

Scientific Research and Creative Activity

337. The GoB has adopted the National Science and Technology Policy, 2011 in order to instrument for achieve socio-economic development through the utilization of science and technology. The Policy aims to attain scientific and technological competence and self-reliance in various sectors and subsectors of the economy to ensure food, agricultural, nutritional, environmental, water, health and energy security of the people on a sustainable basis.

338. Bangladesh Council of Scientific and Industrial Research (BCSIR) was established in 1973.BCSIR is both a scientific research organization and a regulatory body. Its main objective is to initiate, promote and guide scientific, industrial and technological research. BCSIR also provides grants-in-aid for scientific, industrial and technological research schemes and projects undertaken in the public universities and research institutions.

339. The GoB established the Bangladesh Academy of Science (BAS) in 1973 with the objectives to promote research in pure an applied science and their practical applications to promote national welfare in Bangladesh. The Academy acts as the adjunct body of the International Council for Science (ICSU) and other similar International scientific organizations.

340. Bangladesh Atomic Energy Commission (BAEC) was established in 1973 as a multidisciplinary research and development organization with the view to promoting peaceful uses of nuclear energy in Bangladesh. Currently, BAEC has been entrusted with the responsibility of establishing the country's first nuclear power plant.

341. The National Institute of Biotechnology (NIB) is an autonomous organization under the Ministry of Science & Technology. The Institute is entrusted with the responsibility to develop eco-friendly and sustainable technology in agriculture, environment, industry and human health using modern biotechnology.

342. The GoB has established the National Museum of Science & Technology (NMST) to popularize science and technology through display of scientific exhibits and also to encourage the young and non-professional scientists.

343. The Bangladesh National Scientific and Technical Documentation Centre (BANSDOC) began its activities in 1962 as a small unit of the Pakistan National Scientific and Technical Documentation Centre (PANSDOC). After independence, it was renamed Bangladesh National Scientific and Technical Documentation Centre. BANSDOC is entrusted with the responsibility for collection, processing and compilation of information and data in all fields of scientific research and experimental development and dissemination of such information to researchers irrespective of their institutional affiliation.

344. The GoB has established Nuclear Industry Information Centre under the auspices of the Bangabandhu Sheikh Mujibur Rahman Novotheatre, Dhaka in order to disseminate general knowledge about nuclear energy. Nuclear industry information centre is a multi-functional communication area aiming at educating public about the use of nuclear energy organized by ROSATOM from Russian Federation.

Institutions for Scientific Research in Bangladesh

345. The GoB has established a number of research institutions for facilitating research and innovation throughout the country. The most important of these institutions are namely, Bangladesh Forest Research Institute, Institute of Child and Mother Health, Bangladesh Institute of Development Studies, Bangladesh Institute of Nuclear Agriculture, Bangladesh Institute of Research and Rehabilitation for Diabetes, Endocrine and Metabolic Disorders (BIRDEM), Bangladesh Rice Research Institute, Bangladesh Tea Research Institute, Housing & Building Research Institute, International Centre for Diarrheal Disease Research (icddr,b), National Institute of Biotechnology, National Institute of Cancer Research & Hospital, Bangladesh Institute of Bank Management (BIBM), Bangladesh Institute of Management, Bangladesh Institute of Peace & Security Studies, Institute of Bangladesh

Studies (Rajshahi University), Institute of Cost and Management Accountants of Bangladesh (ICMAB), Institute of Education and Research (University of Dhaka), and Institute of Health Economics (University of Dhaka).

Enjoyment of the benefit of scientific research

346. In Bangladesh, protection of industrial property comes under the purview of Ministry of Industries. On behalf of Ministry of Industries, the Department of Patents, Designs & Trademarks (DPDT) administers all the activities relating to industrial property. By integrating former Patent Office and Trademarks Registry Office, DPDT started functioning as a single Department from 2003.

Protection of Intellectual Property Rights

347. On 11 May 1985, Bangladesh became a party to the Convention establishing the World Intellectual Property Organization (WIPO). Bangladesh became a signatory to the Paris Convention for the Protection of Industrial Property in 1991 and the Berne Convention for the Protection of Literary and Artistic Works in 1999. Bangladesh is also a signatory to the Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement of the World Trade Organization (WTO).

348. In order to ensure protection of the intellectual property rights, the GoB has enacted the Copyright Act, 2000; the Patents and Designs Act, 1911; the Geographical Indication of Goods (Registration and Protection) Act, 2013; the Trademark Act, 2009 etc. In addition, the Penal Code, 1860 incorporates several penal provisions against the violations of various intellectual property rights (IPR).[144]

349. The Copyright Act, 2000 extends protection among others, to literary scientific, artistic, and computer programmes or software. The Copyright Act generally gives the protection for a period of lifetime and 60 years after the death of an author. It also encompasses rights of performers and producers of phonograms and right of broadcasting Organization in conformity with the provisions of the TRIPS agreement.

350. The GoB has established the Copyright Office to carry out the functions under the Copyright Act, 2000 which is administered by the Registrar of Copyright. Under the Copyright Act, 2000, an affected copyright owner can seek civil, criminal and administrative remedies against infringement of copyright depending on the nature of copyright violations.

351. Under the Patents and Designs Act, 1911, patentees may have recourse to court to protect their rights. The Geographical Indication of Goods (Registration and Protection) Act, 2013 provides for the registration and protection of geographical indication of goods and for matters ancillary thereto.

International Co-Operation in the Cultural and Scientific Fields

Cultural Field

352. The GoB has signed a Cultural Exchange Programme with India for the period of 2015-2017. This programme seeks to facilitate exchange the visits of up to 20 scholars and academicians in the field of art culture and literature. The Exchange agreement also provides that both parties will exchange dance, music, theatre, jatra groups, art exhibitions, archeological photographic exhibitions and other cultural events. In addition, the GoB in collaboration with India has established Indira Gandhi Cultural Centre, Dhaka.

353. Since 1959, Alliance Française de Dhaka, a nonprofit organization has been working in Bangladesh. The main function of this institution is to promote the French culture, especially the French language to the local people and at the same time to promote the local culture in France.

[144] *Supra*, note 22, ss. 478-489.

354. The Goethe-Institut Bangladesh is located in Dhaka. In addition to hosting a wide range of cultural events presenting German culture abroad and enhancing the intercultural exchange, it offers German language courses for different target groups. The cultural events organised by the Goethe-Institut include exhibitions, music and literature performances, film festivals and seminars.

355. In order to promote academic exchange between Germany and Bangladesh, the DAAD (German Academic Exchange Service) and the Alexander von Humboldt Foundation offer scholarships to Bangladeshi students and researchers. Many Bangladeshi scholars and scientists have completed their academic training in Germany.

356. The Russian Cultural Centre was established in Dhaka in 1973. It organizes scientific, educational and cultural activities, including exhibitions, film shows, and seminars, marking important dates in the lives of Russia and Bangladesh. The library of the Russian Cultural Centre has more than ten thousand books in Bengali, Russian and English. The Russian Cultural Centre's education section offers Russian language courses.

357. In 1951, the GoB in collaboration with United Kingdom established British Council office in Dhaka. The British Council is the UK's international organization for cultural relations and educational opportunities.

358. Bangladesh Youth Delegation to India is a cultural exchange initiative between Bangladesh and India. Every year, 100 young Bangladeshis from diverse backgrounds and institutions visit India. The first such batch of Bangladesh youth delegation visited India in 2012.

359. In 1972 the GoB established Bangladesh National Commission of UNESCO (BNCU). Since then it has been serving as a liaison agency between the government and the institutions connected with UNESCO's activities. BNCU works under the Ministry of Education and maintains working relations with other Ministries, NGOs and Civil Society Organizations.

Scientific Field

360. Bangladesh's Development Strategy envisages the country becoming a middle-income nation by 2021. The Ministry of Science and Technology (MoST) has estimated that US$ 6.2 billion will be needed in the next decade to achieve the goals of Vision 2021.

361. The GoB and Russian Federation have agreed to invest $12.65 billion in a project to build two 1200 MWe nuclear power units at Rooppur, Bangladesh. The agreement was signed on 25 December 2015 by Bangladesh Atomic Energy Commission (BAEC) and Russia's ROSATOM.

362. The Nuclear Power Plant Act, 2015 sets up the Nuclear Power Company of Bangladesh (NPCB). In February 2012, MoST signed an agreement with Russia's Rostechnadzor in relation to regulation and safety "and the provision of advisory support to the Bangladesh Nuclear Regulatory Commission on regulation, licensing and supervision". The staffs will be trained in Russia.

363. The table below provides a list of countries with which Bangladesh entered into agreements in the field of science and technology as well as culture.

No.	*Name of the Country*	*Name of the Agreement MoU/Protocol*	*Date of signature*
1.	Kingdom of Morocco	Agreement on Technical and Scientific Co-operation	22 July 2010
2.	Egypt	Agreement of Scientific and Technological Cooperation between Bangladesh and Egypt	28 January 2014
3.	Senegal	Cultural Agreement	17 May 1974
4.	Libya	Agreement on Cultural Co-operation	22 February 1980

No.	*Name of the Country*	*Name of the Agreement MoU Protocol*	*Date of signature*
5.	Libya	Agreement on Technical and Scientific Co-operation	22 February 1980
6.	Zambia	Agreement on Cultural, Economic and Technical Co-operation	19 November 1983
7.	Libya	Agreement on Trade Co-operation	22 February 1980
8.	Somalia	Cultural Agreement	04 April 1987
9.	Zimbabwe	Cultural Agreement	18 September 1987
10.	South Africa	MoU on Cooperation in the field of Arts and Culture	Pending with South African Government
11.	South Africa	Cultural Agreement	In initial stage
12.	India	Agreement on Technical and Scientific Co-operation	28 July 2011
13.	United States of America	Agreement on Scientific and Technological Cooperation	3 January 2003 Duration 10 years
14.	Republic of Belarus	Agreement on Scientific and Technological Cooperation	12 November 2012
15.	Korea International Cooperation Agency (KOICA)	Minutes of Meeting Concerning the Implementation of Multiyear Capacity Development Programme	6 June 2013

Source: Ministry of Foreign Affairs, Dhaka (As of 09 July 2015).